

The Betrayers

By Jonathan Root

**THE BETRAYERS
ONE NIGHT IN JULY**

Jonathan Root

THE BETRAYERS

The Rosenberg case—
a reappraisal of an American crisis



Secker & Warburg
London

**First published in England 1911 by
Martin Secker & Warburg Ltd.
14 Carlisle Street, Soho Square, W.1**

**PRINTED IN ENGLAND BY
LATIMER, TREND AND CO. LTD.
WHITSTABLE, KENT**

To a little girl named
ERICA
and the ideals she
will learn to cherish

"If there be any among us who would wish to dissolve this Union, or to change its Republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it."

—THOMAS JEFFERSON
First Inaugural Address
March 4, 1801

"Other ages have had individual traitors—men who from faint-heartedness or hope of gain sold out their causes. But in the Twentieth Century, for the first time, men banded together by millions, in movements like Fascism and Communism, dedicated to betraying the systems they lived under..."

—TIME MAGAZINE

"The traitor . . . hates his fellow countrymen because he hates the real world which he knows by the testimony of his senses. His power of fantasy enables him to build any country which is the declared enemy of his fatherland into an ideal and beloved world..."

—REBECCA WEST
The Meaning of Treason

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1. A Time to Die

A barbaric sentence of death against two innocent people . . .

—JULIUS ROSENBERG

SHORTLY after daybreak on June 19, 1953, one of the first miserably hot days that summer along the mid-Atlantic coast, sixty New York State troopers arrived at the gates of Sing Sing prison. They had been hastily gathered from throughout Westchester County and some of them had been on duty all night. They swung their cars neatly in a line that stretched across the prison's black asphalt parking lot, and deployed themselves in a series of barricades and roadblocks to defend the prison against a march of protest by uncounted hundreds of outraged Americans reportedly en route that very moment from New York City, 30 miles down the Hudson River. That the marchers never came, and that the troopers only stood and sweated in the sun while the crispness of their black and gray uniforms melted, did nothing to ameliorate the tensions of the day.

In the prosperous and historic village of Ossining, which adjoins the prison and which, until 1901, bore its name and stigma, the inhabitants saw the cavalcade of patrol cars and were indefinitely alarmed—more so when they learned that the prison's entire guard force of 290 was confined within the walls this day. The people of Ossining had lived with suspense before but to many of them it had never been quite like this. They stared ap-

prehensively toward the gaunt complex of shabby concrete and faded red brick structures to the south and realized that it had become a fortress. Ossining did not derive its uneasiness from the prison alone which, after all, had been a part of the village for more than 125 years; but Sing Sing was the stage for the last act of a grisly melodrama which had come to embroil the world. The antagonisms of nations were focused on the prison and, as far as the people of Ossining knew, on them too. They did not know what to expect of the day, but they could not escape their involvement by dismissing their proximity as mere historic circumstance.

Then, too, they were held by the unique empathy we all share for another man's impending death, the vicarious thrill of our common fate. And the intensity of this was heightened by the fact that it was not one man alone who was to die, but one man and his wife, and by the fact, further compelling, that the hostility of a large part of the world seemed to stem from a fevered persuasion that this doomed man and his wife were, in one way or another, innocent.

Ironically, the sole refuge from this dreadful imminence was on the prison's death row itself where America's first and only condemned atomic spies, Julius and Ethel Rosenberg, were insulated from it by an armor of hope; hope that they would be spared, hope that they would die like heroes, hope that the world would forever admire them. The world hoped with them, but it did not admire them; it pitied them and it was amazed by them. What the Rosenbergs displayed as courage seemed instead a pathological refusal to recognize that death by legal electrocution is not grand and noble, but slow, degrading and horrible. In the face of it, Julius and Ethel Rosenberg proclaimed their innocence which they would prove, if necessary, by dying with dignity and honor even though there was none of either quality associated with the crime by which they stood condemned.

Julius and Ethel Rosenberg were native New Yorkers, the children of Jewish immigrants who had settled in the slums on the lower East Side of New York. He was a graduate of the City

College of New York, an electrical engineer, a profession in which he failed, and she a devotee of the creative arts, a distressingly mediocre singer and actress. They had been active in the Young Communist League, in various professional societies serving communist doctrine, and lastly, it was charged though never proven, members of the Communist Party proper. As American citizens they were thwarted, frustrated and unfulfilled, bound by deep personal inadequacies; as Marxist radicals, they were active and successful, secure in the fantasy of being instruments to create a perfect world.

In the spring of 1950, in the wake of the sensational atomic espionage confessions of the British physicist, Dr. Klaus Fuchs, the Rosenbergs were arrested by the Federal Bureau of Investigation and indicted by a federal grand jury for conspiring to give to Russia 1) the "secret" of the atomic bomb, and 2) any other vital U.S. defense secrets they could lay their hands on. They were, one inferred, the diabolical leaders of a major spy ring. Arrested and indicted with them were a fellow CCNY alumnus named Morton Sobell, and Ethel Rosenberg's brother, David Greenglass, who, it was charged, had obtained A-bomb secrets while employed as a machinist at Los Alamos and had given them to a Soviet spy courier sent to him by Julius and Ethel. A federal court jury had found them all guilty, and a federal judge had sentenced Julius and Ethel to death. Sobell had been given a 30-year prison term and Greenglass, because he testified against his sister and her husband, received a sentence of only 15 years.

The judge who had given the Rosenbergs the ultimate penalty had blamed them for the Korean war and had twice afterward refused to amend what became an astonishing punitive precedent. Seven times the conviction had been upheld by the U.S. Circuit Court of Appeals and six times the Supreme Court of the United States could find no cause to review the case. Two Presidents of the United States declared the Rosenbergs criminals of the century and refused without a tone of reluctance to spare their lives. Throughout, the moral censure of whole nations was heaped upon the reputation, character and leader-

ship of the United States, whose only rebuttal was the somewhat patent fact that the Rosenbergs had received the maximum protection of the law, that their execution was neither more nor less than a requirement of that law. It had a pious tone, and the basis for the Rosenbergs' last defense was the inflammatory cry of political frame-up. It grew into an enraged chorale, shrilly rendered by hundreds of thousands of voices inspired by a world-wide organization known as The Committee to Secure Justice in the Rosenberg Case: it was a strange and volatile amalgamation of humanity committed with paranoid rigidity to the morbid notion that justice in the United States had become a tool of politics.

Four times the law had given the Rosenbergs a date with death and three times the law had broken it; even on June 18, hours before they were to die, on the 14th anniversary of their marriage, a U.S. Supreme Court Justice named William O. Douglas had given Julius and Ethel a last incredible stay of execution. Immediately, the Court itself had convened to either uphold or vacate Justice Douglas's action. While the Rosenbergs' lives rested moment by moment on these deliberations, Justice Douglas's career rested in the House office building where a committee of five Congressmen met to draft proceedings aimed at impeaching him for what had been vaguely termed a traitorous act. Broadway bookies, who will take a bet on anything, were unwilling to do better than even money on the fate of the Rosenbergs; some of them offered six-to-four that Justice Douglas would remain on the bench, which indicates that gamblers possess an intuitive wisdom however warped the times.

According to the warden's office, Julius and Ethel slept soundly in their separate cells, awakening a few minutes before breakfast was brought to them at 8 o'clock the morning of June 19. Still buoyed by Justice Douglas's stay, they ate with enthusiasm.

At 9 o'clock, the Rosenbergs heard the morning news broadcast on the prison radio system and learned of the police barricades outside the prison, and of the general state of emergency

which kept all Sing Sing's guards on duty. To Ethel, the situation was doubtless full of ugly portents. There was the suggestion that the state was going to preserve its right to execute her by force of arms and, it was said, she began to brood. Was she thinking about her ten-year-old son Michael, perhaps recalling his cries of terror when he was led away after his last visit to his parents two days earlier? Robert, the younger son, who was six, had remained mute throughout. Michael knew what was happening, Robert did not. "They're innocent. They'll never die!" Michael had screamed. The boys, dressed in Eton jackets and long trousers, had brought her a tiny bouquet of roses and marigolds, but it was against prison rules for her to accept them and Michael had taken them home again. Did Ethel, or her husband, find any comfort in the knowledge that the Supreme Court was convening at noon to either uphold Justice Douglas's stay, or to vacate it? There was only greater uncertainty there. Ethel had learned to accept death, or so she said; no matter what happened, she believed, she and Julius could not lose. If they were spared, it was a victory; if they were executed, they would go with dignity and courage and this was, in many ways, an even greater victory. In the meantime, she was learning to wait. Justice, whether dispensed by courts or ordained in one's own mind, must prevail.

2.

JUSTICE Douglas had done an officially unpopular thing. He was privately denounced in the corridors of the Justice Department and publicly damned in the press. Columnist Leslie Gould in the New York *Journal-American*, for instance, roasted Douglas as "a headline grabber with political ambitions," "a long-time advocate of left-wing causes," and "a tramp . . . who has reverted to type." It was harsh and unconvincing to most people who, in the last analysis, would have to credit the jurist with the courage of his beliefs. Douglas smarted under it all. "I know in my heart I am right," he said, and he also knew he was

probably alone. At issue was a point of law, obscure, moot and inflamed by the extreme controversy of the case.

The Rosenbergs had been tried under the 1917 Espionage Act which Justice Douglas contended had been superseded in part by the Atomic Energy Act of 1946. This latter statute provides for the death penalty in atomic espionage only if the jury so recommends. The Rosenberg jury had done no more than return a verdict of guilty. It was possible, said Douglas, that the Rosenbergs had been illegally sentenced even though their crime preceded enactment of the 1946 law. It was a novel and complicated issue, he admitted, but it was sufficiently substantial to postpone an execution.

Actually, the point had not been raised by the Rosenbergs or by their attorneys. It was a stranger who brought the matter to court, fifty-four-year-old ex-Communist Irwin Edelman, Russian-born soapbox orator and left-wing pamphleteer whose principal stand was Pershing Square in Los Angeles. He had retained two attorneys of eminence, Fyke Farmer, fifty-one, of Nashville, a wealthy corporation counsel and campaigner for World Government, and Daniel Marshall, fifty, a crusading liberal from Los Angeles. It was they who had won Justice Douglas's ear, argued and obtained the stay. Douglas had issued it on the morning of June 17 after privately deliberating the matter for nearly 24 hours. The Supreme Court had recessed for the summer and Douglas himself left for an extended vacation immediately after granting the stay. He got as far as Uniontown, Pennsylvania, when he was called back to Washington. The other eight Justices were rounded up from vacation hideaways up and down the Atlantic Coast in response to a surprise petition by U.S. Attorney General Herbert Brownell for an immediate hearing on the stay. Like all the other aspects of the case, it was totally without precedent.

Chief Justice Fred Vinson called the session for noon of the 18th of June. The Court's chambers had been closed for the summer and cleaning crews barely had time to remove the mothproof dust covers from the nine black chairs, the counsel tables and the spectator seats before the Rosenberg defense

stormed in. Arrayed with lawyers Marshall and Farmer were the aging John Finerty, a New York attorney who had helped defend Sacco and Vanzetti, and Malcolm Sharp, professor of law from the University of Chicago, as well as the Rosenbergs' own team of attorneys. Together, they loosed an onslaught of heated oratory seldom before heard by the high tribunal. After three hours, they pleaded for a month to prepare further arguments. The Court retired for three hours of deliberation and then announced an overnight recess to noon the following day. It was now midmorning but the world was not idly waiting for the moment of decision.

In front of the White House and the Treasury Building, several hundred pickets marched four abreast bearing placards crying for JUSTICE and MERCY in what appeared to be equal, if contradictory, quantities. Counter to them, a delegation of perhaps 50 men and women carried placards demanding DEATH TO THE DIRTY SPIES and similar sentiments. The antagonisms were controlled but the Washington police sent over a detail of 50 patrolmen to keep the peace. The Rosenberg committee had carefully instructed its pickets to stay away from the Supreme Court.

Spectators, however, most of them the vanguard of summer tourists, swarmed in and around the Court Building, and the House and Senate offices were overrun with Rosenberg supporters seeking legislative pressures. In cities all over the country, volunteers were still ringing doorbells endlessly, pushing forward clemency petitions and beseeching housewives to telegraph President Eisenhower, whose mail in the matter was already running 50,000 letters a week.

In the New York Police Department Headquarters on Centre Street, the Rosenberg committee was refused a permit for a death watch rally in Union Square. Instead, the police agreed to barricade off 17th Street west of the Square and allow a rally there. This was to prevent the park grass from being trampled, it was said.

In London, now festively decorated for Queen Elizabeth's Coronation, oddly assorted groups of people, totaling in the

thousands, roamed the streets shouting such anti-U.S. epithets as "American assassins." In Dublin, two homemade Molotov cocktails were hurled through the windows of the U.S. Information Agency. Neither exploded and the only damage was broken glass and a scarred desk top.

As bands of pickets paraded through central Paris, police riot squads came out in force to defend the U.S. Embassy in the Place de la Concorde, where a surly crowd had been gathering since dawn in response to a mass leaflet campaign by *L'Humanité* and fiery editorials by Jean-Paul Sartre in *Liberation*, the Communist daily. The Rosenbergs would be victims of "legal lynching," Sartre declared, dismissing the possibility that what the U. S. did about its own criminals was none of the world's concern. "Whenever innocent people are killed, it is the business of the whole world. . . ." More than that, "Whether America gives life or death to the Rosenbergs is the measure of whether America is preparing for peace or the Cold War. . . ." A special hour of prayer was held at Notre Dame.

In Milan, 300 Communists carrying SAVE THE ROSENBERGS posters picketed the U.S. Consulate, and all Communist trade unions in Rome scheduled a 15-minute work stoppage if the Rosenbergs died.

U. S. consulates and embassies throughout Europe, in fact, were so deluged with letters and delegations on behalf of the Rosenbergs that officials had little time for routine duties. Nearly all U. S. offices abroad were given special police protection as though the fate of the Rosenbergs were a fuse that reached around the world to explode anti-American violence. A letter to President Eisenhower, signed by 40 Labour members of the British Parliament, spelled out this fear, adding that "to execute the Rosenbergs would be to harm every ideal our countries share." In Melbourne, tugboat crews threatened a boycott of U.S. registered ships.

The Soviet press reported the Rosenberg story without comment, save for a lengthy harangue said to have been written especially for Tass by the Rosenberg defense forces. Satellite newspapers, however, barbed their reports with propaganda;

the Polish radio repeatedly asked, "Will American justice decide to murder the Rosenbergs?"

Douglas Dillon, U.S. Ambassador to France, recommended to his superiors that the State Department oppose the execution in the interests of U.S. prestige.

Only in the U.S. press was the nation redeemed at all. For the most part, American newspapers attributed the international furor to a carefully staged propaganda campaign originating in Moscow. Its purpose, it was said, was not to save the Rosenbergs but to antagonize the U.S. Government into executing them. This would give the Communist cause everywhere a powerful example of martyrdom and brand the U.S. a ruthless nation.

To most Europeans, accustomed to the Communist Party as a bona fide political force, the Rosenbergs were at worst only two Communists whose zeal had exceeded their judgment; to execute them for this was preposterous and inhuman. It was "sadistic Puritanism," raged *Combat*, the French liberal newspaper. As the rest of the world did not understand the U.S. position, neither did Americans understand why the rest of the world was so aroused.

Then, too, it was hard to write off the swell of Rosenberg sympathy as mere Communist agitation, for it had enlisted such respected Americans as Albert Einstein in addition to no less impressive men of prominence of all national loyalties and religious persuasions. Even Pope Pius XII, in a note to President Eisenhower, asked the U.S. to "temper justice with mercy," and said he felt compelled to report that Catholic sentiment favoring clemency for the Rosenbergs appeared very strong. Three thousand American clergymen, Catholic and Protestant alike, had already petitioned the President for clemency. Many rabbis joined in this plea, even though the Jewish community itself was ashamed of the Rosenbergs.

Said news commentator Elmer Davis, "I cannot believe they are guilty."

3.

THE spectacle of the nation's highest court deciding overnight whether or not a man and his wife were to be killed, as though the Court itself were the executioner, may well have been the summer tourists' sensation in Washington. When the doors of the marble-columned courtroom were opened at 11 A.M., the 350 spectator seats were filled in moments while hundreds more lined up outside.

In the Statler Hotel, the Rosenberg forces ate a late and distracted breakfast, one attorney spilling a cup of coffee in his lap which compelled him to buy a new suit en route to the courtroom. Precisely at noon, the nine black-robed Justices entered, single file from the rear, and took their places along the historic bench. Their faces were grimly set and, to the Rosenberg defense, this meant only one thing. It was an anticlimax when Chief Justice Fred Vinson rose and read the Court's decision in a tone which revealed the outcome, even before he reached the key words:

"We think the question is not substantial. We think further proceedings to litigate it are unwarranted . . . Accordingly, we vacate the stay entered by Mr. Justice Douglas . . ."

It was more than an hour before the nine individual opinions of the Court had been read. The decision was not unanimous. Justice Douglas had dissented from it ("I am right on the law . . . my duty is clear"), and so had Justice Hugo L. Black ("... the rush and pressure in this case..."). Justice Felix Frankfurter declined to vote at all. The issue merited more study and argument than had been given it, he said. An hour later, for the second time, President Eisenhower refused to grant executive clemency.

"When in their most solemn judgment the tribunals of the United States have adjudged them guilty and their sentence just, I will not intervene in this matter."

The Rosenbergs' attorneys immediately filed three consecu-

tive petitions for stays of execution with Justices Black, Frankfurter and Harold H. Burton, all of whom refused.

A letter written three days previously by Mrs. Rosenberg, addressed to President Eisenhower, was delivered to the White House. Mrs. Rosenberg pleaded with the President to spare the lives of herself and her husband. It was a pretentious piece of overwrought prose arguing that mercy had been granted even to the Nazi leaders who had murdered so many millions of her fellow Jews.

An hour after the letter had been delivered, Assistant Presidential Press Secretary Murray Snyder distributed to reporters the following reply:

"The President has read the letter. He states that in his conviction it adds nothing to the issues covered in his statement of this afternoon."

- The ranks of the pickets around the White House were doubled and redoubled; the thicket of tall placards became a forest and the police department sent over reinforcements. Automobiles drove slowly by and the occupants jeered at the marchers. "They ought'a fry you too!" shouted one.

The Rosenbergs' legal forces were now divided into separate salients for the last onslaught. One group caught a plane for New Haven, Connecticut, and the U. S. Circuit Court of Appeals; another group flew to New York to plead anew before the trial judge, and the third group remained in Washington to further petition the President for clemency.

Mrs. Sophie Rosenberg, elderly, befuddled mother of Julius, who had arrived in Washington by train the day before to plead with the President in person, remained in her hotel room and was soon put aboard a train going back to New York. The President would not see her.

The news of the Court's decision had been long since dispatched to Sing Sing and relayed to Julius and Ethel. The stay vacated, the executions were to take place immediately. The time for death at Sing Sing is 11 P.M. Advised that such an hour would encroach on the Jewish sabbath which begins at 18 minutes before sundown on Friday, U. S. Attorney General Herbert

Brownell directed the warden of Sing Sing to electrocute the Rosenbergs at 8 P.M., 13 minutes in advance of the Sabbath. In death row, a fine, heavy wire mesh screen was placed in front of Ethel's cell to separate her from her husband with whom she was permitted to spend the remainder of her life talking. Julius took the chair placed in the corridor, oblivious of the saccharine music pouring from a loudspeaker, and of the two guards on either side of him who did their valiant best not to overhear the whispered conversation.

With Brownell's announcement of the accelerated execution, the Rosenberg defense lost its legal dispassion. Emmanuel Bloch, the chief counsel, a heavy, graying, sentient man, exploded on the steps of the Supreme Court.

"I don't know what kind of animals I am dealing with," he raged, "but I am dealing with animals." President Eisenhower, he shouted, is a "military dictator" whose regard for humanity was no better than the Nazis. "I am ashamed," he said, "to be an American," a remark he later regretted.

In a neat white clapboard suburban home in Tom's River, New Jersey, ten-year-old Michael Rosenberg sat slumped in an imitation leather armchair, facing a television set and the New York Yankees-Detroit Tigers baseball game. Near him sat Mrs. Bernard Bach, young wife of a salesman. Michael and his brother Robert had been living with the Bachs for a year and a half. The broadcast was interrupted by a special announcement. "President Eisenhower and the Supreme Court of the United States have refused to spare the lives of atomic spies Julius and Ethel Rosenberg..."

Mrs. Bach listened in horror. She might have known better than to allow either of the boys to watch television if the news was to be kept from them. Michael sank even deeper in the chair as the news report continued. Mrs. Bach watched him apprehensively. But the boy only said, in a low voice, "My mommie and daddy. That was their last chance. That's it. That's it. Good-bye. Good-bye." He did not cry, but sat silently, unmoving, for a long time. Robert never heard the announce-

ment. He was on the front porch playing with a child's set of watercolor paints.

At the same time in Ossining, newspaper reporters and photographers and newsreel crews began arriving, by car and by the New York Central's Hudson River Line, trooping from town to the prison to wait out the story. There seemed little doubt now that the Rosenberg case was ending.

Arthur Kinoy, a young member of the Rosenberg legal team, reached New Haven in late afternoon, petitioned two members of the U.S. Circuit Court of Appeals for a stay of execution to allow time for a writ of habeas corpus, a proceeding not previously attempted. The justices rejected the petition, noting that the Supreme Court ruling contained the words *further litigation is unwarranted*.

Lawyer Daniel Marshall, who had won the stay from Douglas, arrived in New York and set out with two other attorneys for the Foley Square chambers of Federal Judge Irving Kaufman, who had sentenced the Rosenbergs in the first place. It was almost 7 P.M. before they reached the court. In the meantime, a massive crowd of Rosenberg sympathizers had gathered in 17th Street. Police Commissioner George Monaghan regarded the assembly with vast misgivings and ordered a city-wide police alert against any demonstrations of any kind elsewhere. He also ordered all precinct captains and detective squads to remain on duty until midnight.

As Marshall began his argument before Judge Kaufman, the Union Square rally, or "prayer meeting" as the Rosenberg committee called it, reached explosive dimensions. Police guessed there were 5,000 people jammed into the street and they considered it a dangerous concentration. The gathering had all the unified resolve of a lynch mob and the volatility of a prairie tent meeting, manipulated by the litany prescribed by Communist strategy in public events of great emotional content. Chanting through a public address system, a series of speakers condemned President Eisenhower as a "bloodthirsty" man and praised the Rosenbergs as "freedom-loving people dying for world peace and democracy." Through it all, the

crowd sobbed and moaned, an edgy omen to the heavily reinforced police detail standing by.

At the same moment, London traffic was disrupted completely by a mob of more than 1,000 who set out from a mass meeting in Hyde Park on a march through the heart of the city. Many of them carried a special edition of the *London Daily Worker*, brandishing a one-word headline five inches high: MURDER. Similar, smaller demonstrations took place throughout the British Isles. A motor caravan raced to the country home of Prime Minister Sir Winston Churchill at Chartwell, 25 miles from London, to beg him to intercede with President Eisenhower to save the Rosenbergs. Sir Winston left a message for them at the gate: "It is not within my duty or power to intervene." The U.S. Embassy in Grosvenor Square was heavily guarded but there was no demonstration.

Police in Paris severely wounded one man, and threw 400 others into jail, as they broke up a riotous assault on the U.S. Embassy. In Turin, police resorted to clubs and firehoses to beat back a mob of 2,000, and a promised strike shut down the port of Genoa for an hour. In Boston, a Universalist minister leading a Rosenberg rally on the Massachusetts State Capitol steps gave up when he was struck on the head by a well-aimed fresh egg, a blow he angrily attributed to "organized hatred and violence."

Perhaps the largest crowd anywhere was the one which filled Washington's Lafayette Park, directly across Pennsylvania Avenue from the White House. Police estimated nearly 8,000 persons were there under the elms, listening quietly, some of them sobbing, to amplified news broadcasts. Demonstrations, small but intense, erupted across Canada; 400 pickets hurled jeers at the U.S. Consulate in Toronto, and in Vancouver nearly 100 persons paced back and forth in front of the Consulate carrying black flags. It was much the same in Tel Aviv, Vienna and Copenhagen.

Lawyer Marshall had wasted half an hour trying his petition on Federal Judge Edward Dimock who only referred it to Judge Kaufman who began listening at 7:15 P.M.

"Please phone the prison and delay the execution until I complete my argument," Marshall pleaded.

Judge Kaufman shook his head. "Get on with your argument," he said, "there isn't much time."

Marshall seemed stunned. "But your Honor, this may be your last chance to correct a terrible miscarriage of justice."

The jurist bristled. "It is unfair to put that kind of burden on a judge. I'm aware of the tragedy involved."

Marshall's argument was startlingly logical. The Supreme Court decision, he contended, had not vacated that portion of Justice Douglas's opinion which referred the legal issue back to the district court. Marshall's words were protracted by his repeated pleas to Kaufman to delay the execution. The judge denied Marshall's petition without opinion at 7:45 P.M. There was only one avenue of life left open to the Rosenbergs: to confess and inform. But if they had impressed the world with any quality of character in the three years since their arrest, it was in their unflagging insistence that they had nothing to confess.

Sing Sing Warden Wilfred Denno told reporters, with a shrug, "In my opinion, their lives are in their own hands." But that had always been true.

2. The Girl of Her Dreams

Poverty makes some people insane.

—MICHAEL GOLD

• ONE of Eleanor Roosevelt's more comforting maxims of the disordered 30's, and one she coined early in her husband's career in the White House, was the belief that "if you want people to be nice, give them nice things."

That wasn't exactly what she said, but that was the way the phrase registered and remained in the mind of Tessie Greenglass when she first heard it in the wake of the great depression.

The scaling cold-water tenement at 64 Sheriff Street, a block and a half north of Delancey on the lower East Side, where she and her family lived and worked, had never had heat, but since the terror of 1929, each winter seemed colder than the one before. Even her husband Barnet, his aging fingers stiffening, was forced to quit work by noon in his basement sewing machine repair shop to join the rest of the family in an awkward huddle around the coal stove in the kitchen.

Mrs. Roosevelt's observations on the influences of environment were enlarged by Mrs. Greenglass into a motto, an eternal point of reference, the explanation for her heritage of poverty and failure, and an enunciation of despair over the increasingly unlikely prospect that her children would ever do anything about it.

Samuel, her first son, was lost to her control. Ethel, her first daughter, was a growing source of frustration and defiance. Bright Ethel, conceived in hope and born in promise, rejected her mother's hopes that she would realize something better. Bernard, the second son, was too much like the first, Mrs. Greenglass cruelly concluded. David was still a baby but if you had failed with three children, what could you expect from those who followed?

"... If you want people to be nice, give them nice things." An inspiration to the younger generation, thought Mrs. Greenglass, an inspiration that went unheard.

Ethel heard it, for her mother said it almost daily, with the fervor she gave to her prayers to a hard God. What had the Jewish people done that made God so stern?

Tessie's motto held nothing for Ethel but the relentless character of a witch's curse. Corrosive, grinding poverty was not something you could emerge from or beat back. It was something fastened on you at birth like a clubfoot or an ugly face. It was a deformity clamped on you by an unfeeling, disembodied society upon which you could take revenge, if you ever got strong enough. Revenge was the only alternative to submission. Somebody had to pay for your suffering. Later, you could substitute in your mind and words the matter of other people's suffering and leave your own out of it. Other people did not respond to your pain as profoundly as they did to their own even if everybody Ethel had ever known, or would ever know, had the same brand of pain.

Actually, revenge came much later in Ethel's thoughts. Her first objective was escape. At some point Ethel learned to equate in her mind a pair of unrealities: on one side was a warped image of life as she knew it, on the other a vision of a life of glamour and beauty. She rejected the first in favor of an earnest expectation of the second. It never once occurred to her, as it did to her friends, that she would grow up, marry, rear children, live out her years and die on the same lower East Side where she had been born. When other children were wondering if there was enough food at home this week, Ethel

was talking about going to college and becoming a famous singer or actress or both. Other children had their dreams, but they also met life on the terms at hand. Ethel strode through it with an oblivious air, like a sleepwalker in a fog, her mind focused on a far Nirvana, far beyond the squalor and the pain, while everyone else accepted the sting of need, want, envy, shame and resentment.

The gulf between Ethel's existence and the uptown life displayed in the Sunday pictorial supplement of *The New York Times* was overwhelming. In later years, Ethel thought this should have given the people of the lower East Side some uniformity of attitude, some common awareness that it was not their fault. Yet, as a child and an adolescent, she had no bond with them herself. Her pain was more acute. She had a vision for herself, none for others; they were passive and mute and critical of discontent. Even those Jewish families which drove their children to a thirst for scholarship and culture seemed interested only in the vicarious rewards of their children's achievements. They had no right to expect anything when they did nothing for their children. Ethel's resentment burgeoned early.

"If God wanted you to have music lessons," her mother told her by way of refusal from the age of twelve on, "God would have made them possible."

How is it possible then, thought Ethel, for Mama to pay 50 cents a week to the rabbi who comes every other day to the house to conduct a *chaider*, the after-school religious training for Jewish children. What is it for? To clutter your mind with prayers and rituals that only served to make you accept your fate? The rabbi had a dirty beard and he smelled of onions. You could smell him ten feet away.

The smell was nothing, her mother scolded. It was what he brought in his mind to give to the young, the inspiration of the centuries of Scriptural truth that the Jew might realize his destiny and work to make the world nice by giving his people nice things.

Art was the opposite of Mama. Many Jewish families held

the Yiddish theater in a kind of earthly reverence. To Mrs. Greenglass it was foolishness. For a man to submit to entertainment when he could be getting ahead was foolishness. Her husband was foolish. Good-natured and foolish. He was the kind who went to see Mogelescue and shouted himself hoarse cheering. He was almost like the Italian immigrants with their silly red geraniums, or those wild Roumanian Jews who had corrupted the orthodoxy of their faith, who drank and smoked and enjoyed their wasting lives. Barnet Greenglass repaired sewing machines for the garment factories and kept his family from starving, but that was all he ever would do—keep them from starving. It would never be any better. Life would never be any nicer because Barnet Greenglass could never give them nice things. He gave pennies to every child who came to the house, for halvah, knishes, pickled tomatoes or some other frivolous delicacy that a penny would buy at the delicatessens on Delancey Street. The Roumanian Jews were taking over the East Side. For herself, Mrs. Greenglass baked bread, *chalah* for the Sabbath, every Friday; the fragrance filled the street and she always gave a slice to children who came in after school along with an admonition to be good Jews. To give away *chalah* was a sacrifice, for the Greenglasses barely had enough for themselves; Mrs. Greenglass did it for God. A mouthful of bread contained a mouthful of faith. Some of the Jews might come to their senses.

When she graduated from P.S. 22 at the age of eleven, Ethel was a slight, hippy girl with straight hair and a plaintive, round pale face that gave her a perpetual air of ethereal woe. At P.S. 12 (a junior high school), she was the star of every school play. She wasn't pretty but she had a singleness of aptitude, disarming as it was vain, and the applause of an audience was like a drug that obliterated from her consciousness the world in which she lived and enriched in her fantasies the world in which she would live.

Apart from her father and perhaps her baby brother David, none of the family ever came to the school plays; her mother

heard her delighted self-critiques with the resignation of a martyr.

David, severely dominated by his mother, came to form a tacit emotional alliance with his older sister and from each other they apparently received the love that was refused them, for separate reasons, by their mother. When Ethel got no response from Mrs. Greenglass over her achievements, she could tell the story to wide-eyed David, or "Doovey" as she called him, and leave the eager little boy spellbound. Ethel was seven years older than David.

By the time Ethel had entered Seward Park High School, she hated her mother. She clung to her hatred like an article of faith for years. It did a great deal for her. She never expressed it in as many words, but she found it a positive force. In grammar school Ethel had been too shy to recite in front of the class, badly as she wanted to. When she discovered that her mother held her timidity in scorn, Ethel realized a perverse confidence to face an audience. Being a performer became the epitome of revolt. Because Mrs. Greenglass could neither read nor write, Ethel could read and write superbly. Everything Mrs. Greenglass idealized, Ethel would prove worthless. Because Mrs. Greenglass regarded art as absurd, Ethel held it sublime. She had no one but herself to appraise her talent potential for these longings, and she could hardly have found herself wanting in the fact of alternatives so dreary and oppressive.

For these reasons, she lost by degrees her identity with the other young girls of the lower East Side. Whatever friends she had were classmates who were awed by, and envious of, her arty determination.

There were a few real concessions to childhood, and one of them had adult overtones. Ethel would walk the mile to P.S. 22 whenever she could and save the nickel carfare, which went for a periodic 10-cent ice cream soda at Marchiony's, the after-school refreshment mecca for any lower East Side child who was solvent to the point of a penny or more. It was as close as Ethel ever came to being the typical East Side gamin. When other children were exercising their right to a place in the

traffic-choked dead lava playgrounds of the ghetto, Ethel was reading—or dreaming.

Ethel was not the healthiest of children. From the age of thirteen she suffered spasmodic and disabling back pains, attributed then to a ricketic curvature of the spine. In later years, she acquired low blood pressure and accompanying dizziness, and vague but severe headaches, a chronic ailment from which she never found relief.

2.

LITTLE girls who emulated their mothers, as little girls are apt to do no matter how sordid their surroundings, were alien to Ethel's world. To emulate a mother was to spend half the day jaggling with the pushcart peddlers along Rivington Street, with the kosher live-chicken merchants on Delancey under the Williamsburg Bridge. Ethel had to pass the place on her way to school and she loathed it. Feathers from the squawking chickens filled the air like drifting snow and clung to her hair and clothes; and coming home from school, the putrid smell of rotting produce assaulted her from the pushcart livery stable on Sheriff Street near her house.

Ever since the lower East Side began, the streets have been the main arteries of its ghetto life. Business was transacted, social engagements made and kept and broken, loves lost, battles won, the fantasies of a million children created and explored, all in the streets. To a child, the tenement was a dungeon and the school was a jail. The streets were filled with hope and freedom, and the East River in the hot, brutal summer was paradise. It was all the opposite to Ethel. Every moment she spent at school, and succeeded, was further proof her mother was wrong. For the rest, Ethel's freedom was in her mind.

"You'll never get ahead," Mrs. Greenglass warned her with the ominous solemnity of a doom-prophet. "There's no place in life for arty people."

Ethel's eyes would become vacant and hazy, or her gaze would fall slowly away, as though she were looking inward.

"You'll see, you'll see," said Mrs. Greenglass. It was all she could think of in her chronic frenzy of frustration and futility. For what had she raised her children? Fate would bear her out.

As far as Ethel was concerned, there was no room in art for the life her mother promulgated.

Ethel did so brilliantly in her sophomore year at Seward Park High School that she was permitted to skip her junior year and she was graduated in the spring of 1931 at the age of fifteen.

The apple and pencil vendors were on the sidewalks along Wall Street and conditions were proportionately worse in the ghetto. Herbert Hoover had already said he could do nothing else "within the framework of this system," and if there was any doubt Franklin Delano Roosevelt would be the next President, a minority possessed it. The army of the unemployed was to march on Washington in December, and Mayor Jimmy Walker had inaugurated his grocery coupon program to feed the starving and keep the food stores from going out of business. The lower East Side was a ferment of radical agitation—socialists, anarchists, communists, IWW's, in fact, every arrogant breed of social and economic revolution. Ethel's friends thrust their literature upon her and she had no quarrel with it—the depression was the workingman's call to arms, the cruel machinations of the wealthy had brought it on just as the moneyed classes perpetuated the slums. But Ethel had no time. They were right but she had her private way out. She was going to become an artist.

It was easier now for Ethel to defend her position at home because, even if she succumbed to her mother's demands that she take a job, there weren't any. However, her dreamy detachment from economic cruelties began to collapse in August of 1931. Hounded by her family to respond to an advertisement for a clerk at a paper box factory on Bleeker Street, Ethel found at least 1,000 persons there ahead of her, shouting and milling in the street, those within reach pounding on the

barred and shuttered doors of the factory. Ethel was about to turn and leave when a fire truck, its siren wailing, nosed around the corner and into the mob. It had been summoned by police to clear the street and it did—with fire hoses. Ethel was knocked down twice and soaked to the skin but, unlike scores of other hungry job hunters, got home unhurt. But the incident affected her profoundly; she got a job and she acknowledged to herself that she wanted a boy friend.

Within two weeks, she had enrolled in a six-month stenographic course at a neighborhood settlement house and a month after graduation got a \$7-a-week job as a clerk for the National New York Shipping and Packing Company at 327 West 36th Street, and stayed there for four years, long enough to become a union organizer and a minor heroine of the violent strikes that gripped the garment industry in the mid-thirties. National was a freight brokerage firm, affected not only by garment strikes but by teamster labor troubles as well. It was a smoldering social cauldron and it steamed much of the arty fantasy out of Ethel's mind. Yet her family was never to regard Ethel as anything but disturbingly strange.

For one thing, she had no suitors. Nearly all the girls she knew, her classmates in high school, were either talking about marriage or had realistic prospects; a few were even engaged. Ethel scarcely knew a single boy, and those she did know were too much like the male members of her family. Their future, as well as their past, seemed rooted in the ghetto and Ethel still hoped to escape.

Ethel was sixteen when she went to work. At first, she surrendered none of her ambitions. She joined the Clark House Players, an amateur theatrical group sponsored by the settlement house on Rivington Street. She became its star, a tribute the other players paid her out of consideration for her intense single-mindedness and her age. Emboldened, Ethel entered the Thursday amateur night competition at Loew's Delancey theater and won the second prize of two dollars singing "Ciri-biribin." Amateur nights during the depression were the neighborhood theater management's answer to dwindling box office

and, as it turned out, a popular alternative to unemployment. Competition may not have been quality, but it was numerous—bird-calls, dog-and-cat-fight imitators, ukelele virtuosi, barber-shop quartets in and out of harmony; anybody with a talent, no matter how remote or underdeveloped, was there in often frantic pursuit of a dollar. A husky baritone singing "Old Man River" usually took first prize at Loew's Delancey, which paid five dollars, and Ethel took second. She was only a little girl, people said, and were impressed.

Ethel traipsed all over lower Manhattan winning a dollar here and there and finally a Major Bowes talent scout spotted her and put her on the professional amateur night competition circuit. She sang "Ciribiribin" up and down both banks of the Hudson, and throughout the spring of 1932 she was averaging as much in prize money as she was in salary, to the mounting annoyance of her mother.

Friends who dropped by to see Ethel on a Saturday afternoon were uniformly told by Mrs. Greenglass, "Where is she? Where do you suppose? Out in New Jersey some place singing. I don't know why she don't spend her time looking for a better job."

Ethel stayed with the Clark House Players for three years and once had the feminine lead in *The Valiant*, a morose one-act drama by H. E. Porter and Robert Middlemass, which became popular after Paul Muni starred in a film version. It was, ironically, a story about a man awaiting execution, and Ethel played the role of the doomed man's teen-aged sister. It was her second year with the Players and Ethel was so elated over her performance that she overcame her aloofness and went with the cast after the show one night to the Paramount Cafeteria around the corner. An older member of the cast, a man in his mid-forties who did bit character parts and handled the scenery, escorted Ethel home and made a practiced but crude pass at her in the darkened doorway of her father's shop. It turned her against neither men nor the theater, but only against the Clark House Players which she began to identify more with the ghetto than with art. It had been a sexless experience.

Of the seven dollars in salary which Ethel turned over to her mother, she received back two dollars for carfare and lunches. She walked to work when she could and carried her lunch. After two months she had saved almost ten dollars and she enrolled in voice and piano lessons with a teacher she would identify only as "Madame" at the Carnegie Hall Studios. She paid Madame two dollars a lesson. Two months later she brought a piano home. Used pianos then were available by the hundreds for the cost of the cartage. Ethel never mentioned the acquisition to her family until the day it arrived. Her mother stared openmouthed as four men carried it upstairs and put it into Ethel's room, which was the front room above the shop. The piano was the monument to Mrs. Greenglass's failure and she was forever conscious of its hulking presence over her head. The sound of it was torture.

Ethel's waking hours were so full she had to run her life on a schedule which she wrote out at the beginning of each week and adhered to with irrational rigidity. She awoke at 6 o'clock, dressed and practiced for an hour, had breakfast and went to work. On her lunch hour she studied her scores and during the spring and summer her fellow workers would find her on the nearest park bench, a sandwich in one hand and her music in the other, humming loudly. Evenings she had her lesson with Madame, she practiced or she rehearsed at the theater.

She had joined a new theatrical group, the Lavanburg Players, named after the early 30's East Side housing development from which it drew its members. It was affiliated with the famous Group Theater of the time and besides being endowed with lectures by noted actors and directors, the Players had a militant social awareness even for the times. Its founder was a disturbed young playwright who drew his inspirations from the tragedies of life on the lower East Side—tenement fires, murders, union troubles, landlord brutality, employer ruthlessness. The Players also staged *The Valiant* and Ethel again played the doomed man's sister.

Ethel Greenglass was a child of a troubled family, born in a troubled place at a troubled time. All her life she had

thought only of escaping; now she had begun to meet people who had also tried to escape. But they were still here. They played in plays and they wrote noble thoughts but they never escaped the struggle. It was impossible, they all said, and their sense of futility began to burrow into Ethel's consciousness. The reason it was impossible, they all said, was because fascism was creeping into the once-free United States. It was natural to refer to a grasping employer as a fascist because a fascist was a man who kept good people beneath him. He oppressed by exploiting.

Ethel was astonished at her new ability to recognize the symptoms of fascism in her employer, in vast elements of society with which she was not personally acquainted and, sometimes, in the cop on the beat.

One of her last efforts toward her dream was to audition for the Schola Cantorum, the famous professional choir directed by Hugh Ross. She read about the auditions on the bulletin board at the Carnegie Studios and arrived at the Metropolitan Opera House rehearsal rooms an hour early. She was almost on stage before she realized that one of the requirements was the ability to sight-read music. She withdrew quietly and came back some months later, after she and Madame had worked on the problem, and was accepted, the youngest voice the choir had ever had. Ethel's voice was small, but clear and pleasant. It had a tendency to shrillness under stress and Madame, instead of correcting this tendency, aggravated it by forcing Ethel's voice, trying vainly to make it bigger. Weather permitting, Ethel's mother was apt to leave the house when Ethel practiced.

Ethel stayed with the Schola Cantorum for a year but was unable to go on tour because she could not leave her job. But there were other reasons, too. One of them was that Ethel began to be tormented by a new dream.

3.

ETHEL Greenglass and her family lived in a narrow, three-story yellow brick tenement. On the ground floor a plate-glass window, bearing a chipped gold-leaf sign identifying Barnet Greenglass's shop, separated two doors; one opened into a steep stairway to the upper floors, the other was the entrance to the shop. At the rear of the shop, a curtained doorway led to a windowless bedroom where Mr. and Mrs. Greenglass slept. Behind that, the kitchen with its eternal stove, a kind of family womb to which everybody clung from October through April, a common reservoir of comfort. In the corner of the room, a large enamel tub stood high on legs, its top covered with a heavy wooden lid which was always kept clear as though a bath was imminent. To the rear of the kitchen, a door opened to the seldom-used dining room, freezing in winter and stifling in summer. It contained a single window which overlooked a small, choked, rectangular backyard where a scrawny tree reached pathetically through the layers of litter hurtled down over the years from the rear windows of the surrounding tenements. No one used the yard for anything else.

All the rooms were starkly bare, even of furniture, except in later years when Ethel and David began bringing home the revolutionary literature which inundated the lower East Side. Mrs. Greenglass, through some unexplained and perverse veneration for the printed word, refused to throw it out. She never asked what it was and it grew in tottering mounds in all the unused corners of the house.

The second floor contained five rooms; the Greenglasses rented three of them for their children, who shared the one bathroom on that floor with whoever else happened to be renting the remaining two rooms. An old vestmaker lived there for years, maintaining a nodding acquaintance with the Greenglasses, and a variety of lodgers flowed in and out of the other room. The third floor was rented as a single unit. Prosti-

tutes occasionally took the second-floor room, briefly; Tammany Hall's neighborhood pimp moved them as fast as he could because Mrs. Greenglass would pounce on every customer she could catch going up the stairs and denounce him in a shrieking voice to passersby. It was, in the long run, bad for business. The landlord tried vainly to remonstrate with Mrs. Greenglass. Prostitutes were bad but that was the way America was. What he meant was that the Greenglasses couldn't always pay their rent on time, but prostitutes paid promptly and they paid more.

Ethel overcame her shame for her home late in her second year as a shipping clerk with National New York Packing and Shipping Co. She brought home six fellow employees for a union meeting. Mrs. Greenglass was delighted because none of the six was an artist. They were workers, a category in which her daughter belonged until suitably married, and they were therefore Ethel's peers. Ethel's new dream, a growing obsession with social justice, escaped her mother for a long time.

Ethel's metamorphosis from her cocoon of artistic introversion into a high-strung labor organizer mystified all those who knew her, pleased as they may have been about it. Ethel's cocoon was physical as well as emotional, which she may have realized herself after she went out into the working world and enlarged her exposure to the rest of society. She bridled at crowded subways, clothing that was not warm enough for the winter winds, her pitiful salary weighed against her needs and wants. The recognition that there were thousands more like her served to dim the vision of escape and to generate in its place a desire for revenge, which she euphemized to herself as justice.

She had been present in the plant foreman's office one morning when the manager of New York National hired two new shipping clerks.

"I'll pay fifteen dollars a week for the two of you," he had said, "and you can divide it up any way you like."

She was angered not only by the callousness of the remark and by the manager's license to make it, but by the fact that

if the offer were divided evenly they would both be making 50 cents a week more than she was and she had been with the company three years.

That Ethel should have become a crusader for economic equality was, apart from the involvements of her personality, not so strange. Nobody talked about anything else, especially in the neighborhood of her origins. The paralysis of the depression had crept far uptown, too, and had spread like a rising flood through the minds of the working population of Greater New York. Who wasn't talking about class consciousness? One of the most popular—and solvent—theatrical productions of the mid-1930's was *Pins and Needles*, a revue sponsored by the International Garment Workers Union. Its hit song contained a therapeutic element of ironic whimsy, "Sing Me a Song With Social Significance."

Ethel's first attempts to organize a resistance against tyrannical employers were just that: resistance. The union idea was somebody else's but Ethel accepted it as naturally as if it had been her own. The concept of bringing a boss to his knees was a heady one and Ethel went weak-kneed and sweaty-palmed under it. The perversity with which she had overcome shyness as a child she now applied to her hesitancy to mix with strangers. It began as an act, for Ethel considered herself an actress, and to her delight she found that being the focus of a responsive crowd carried the same thrill as the applause she had received on the stage. It was even more satisfying because the audience did what you asked them to do. It was, in a mild way, Ethel's unrecognized discovery of power. She never thought about the theater again in the same fanciful fashion that had made her childhood bearable.

It was more than a year before Ethel was able to stir the courage of her fellow workers to the point of a strike but on August 31, 1935, Ethel—now nineteen years old—led 150 of her fellow women workers in a walkout that shut down National Shipping. Andrew W. Loebel, president of National, opened it up the next day with a force of scabs recruited from New Jersey welfare rolls, but Ethel and her girls shut it down

just as quickly again in a continuing melee that brought 300 policemen and several dozen newspapermen on the run.

Ethel and her sister strikers, all wearing raincoats despite the heat of late August, linked themselves together arm-in-arm and swept up and down the sidewalks of 36th Street, frightening off fully half of the scab force as it reached the plant. When the first delivery trucks of the day appeared, a platoon of girls descended on the lead truck, yanking the driver from the cab. They tore off all his clothes and held him face down on the pavement while one girl took her lipstick and wrote I AM A SCAB across his back. He fled to the uncertain sanctity of his truck, amid fiendish shrieks of girlish laughter, and drove away, his goods undelivered. For the rest of the trucks, the girls simply lay down two and three abreast across 36th Street and defied the trucks to drive over them. When the company resorted to having husky scabs carry the packages from the trucks through the pickets into the plant, the girls took to carrying straight razors. They hacked at the twine which bound the bundles of clothing and the bundles collapsed into the street. Even police escorts failed to halt this altogether.

On the third day, the rest of the garment industry began to be impressed and 15,000 suitmakers and dressmakers, up and down Seventh Avenue, went out in sympathy.

Ethel's strike ran two weeks before Loebel gave in, cutting hours and raising pay in token amounts. No contracts were signed; it was all a gentleman's agreement. Less than a week after the plant opened, however, Ethel and some ten other leaders of the strike were fired. Loebel moved into the vacuum and formed a company union.

Ethel filed a complaint with the embryonic National Labor Relations Board, which five months later ruled in her favor, accusing National Shipping of having fired her for union activities. The company was ordered to give Ethel her job back but she had already obtained one at twice her old salary as a stenographer at Bell Textile Company.

In the five months that Ethel was out of work, she ventured onto the stage again and in one week won \$32 singing at ama-

teur night programs. But she became such a familiar contestant that theater managers, for practical reasons, lost interest in her. Ethel sang very little the remainder of the year, and gave up neighborhood theater altogether. She was slightly out of voice, and out of form, when shortly before Christmas some friends asked her to sing "Ciribiribin" at a fund-raising New Year's Eve party being given by the International Seamen's Union. Ethel hesitated, but the call of the spotlight overcame her confused reluctance and she agreed. It was at this party that she first met Julius Rosenberg.

3. The Alienated Boy Next Door

To know what is useful to a dog, one must first study the nature of dogs.

—KARL MARX

JULIUS Rosenberg, like the girl he married, was a child of the slums. He had lived in them all his life and he was never anything but poor—nagging, threadbare poor. He went to college and he mingled in later years with people of a certain affluence but he nourished to his grave the conviction that money, like a good address, was something you received at the whim of a corrupt society.

Julius was born on May 12, 1918, in Lying-In Hospital at 17th Street and 2nd Avenue, the last of five children of Harry and Sophie Rosenberg. His parents were Polish Jews, immigrants from Lomza, a garment center in a province that was periodically ruled by Russia. He spent his infancy in Harlem, where his father had a dry-cleaning store during his only venture into self-employment, but he grew up in the same festering ghetto, less than half a mile away from Ethel Greenglass. They never met, nor did their families know of each other. If they had, the common destiny of Julius and Ethel could have been plotted that much sooner. If Ethel came from a home dominated by a resentful woman, Julius came from a home dominated by his father, but a father embittered and depleted by a succession of failures, comforted by a long-suffering wife.

Sophie Cohen came to America at the age of fourteen. She

worked four years in a garment factory sewing buttons and tags on shirts; eleven hours a day, six days a week, and the pay was \$8. It was a high rate for her age and the times, but she was a fast worker and the boss rewarded her. At eighteen, after paying passage from Poland for her four brothers and her mother, Sophie quit her job and married Harry Rosenberg, a fellow garment worker, who was twenty-one. Sophie wanted to keep on working but Harry refused; he would support her, in style. He never did. Sophie bore her life of poverty as though it were a birthright. She was round-faced and pretty at eighteen. She wore a shirtmaker blouse and a long flowing skirt. Her hair was piled high on her head, in homemade imitation of the voguish pompadour of the period. There were photographs of them together; Harry, a dashing figure in his Homburg hat and tailored overcoat, which combined to give substance to his rosy vision of the future in Sophie's mind. Sophie was illiterate. Her family couldn't afford to educate her and the four brothers, too. "You're a girl," her mother told her, "you don't need an education. You learn to be a wife." It was the custom.

The Rosenbergs were Orthodox Jews who retained a romantic affection for the folk customs of Poland. Harry was a kitchen raconteur of some fluency and when his children were out of their infancy they clamored every night for tales of the strange place from which their parents had come.

Harry was a tailor of considerable skill and during his first years in America he worked as a sample-maker and brought home as much as \$125 in a single week. He saved enough, by the time Julius was born, to try his dry-cleaning shop at 179th Street and Audubon Avenue. It failed in less than a year and the Rosenbergs returned to the lower East Side, to a fifth-floor cold-water flat at 127 Broome Street. The roof leaked, the windows were broken and stuffed with rags and paper, and the toilet was in a windy, unlighted cubicle in the hallway.

Chaos plagued the garment industry in the early 1920's, its factories idled for long periods by strikes. Harry Rosenberg believed in socialism but he was bewildered by the militancy of unions and resentful that he lost so much salary because of

it. His skill otherwise would have enabled him to make what he considered a decent living, but he succumbed to the pressures of his friends and joined them in the picket line and otherwise did his part. He would rather have been able to ignore the whole thing, but neither his resentment—nor his independence—was strong enough to permit him to become a scab.

Julius became a problem when he was three years old. He was sickly and pathologically afraid of the dark. Nothing could persuade him to go to the bathroom alone at night, and his mother would accompany him, holding a lighted candle aloft, and Harry Rosenberg would shame his son for being a baby. Mrs. Rosenberg never defended Julius openly, but she would give him a discreet little hug, indicating she didn't think he was a baby.

Childhood diseases plagued Julius and added to his father's frustration and torment, especially in the winter of 1921 when Harry was out of work for three months. The family often went hungry, but Mrs. Rosenberg would secretly divert food from her own mouth to his.

"Julius isn't like the others," she would say when her husband remonstrated with her. "He's different. The others get by but Julius suffers."

They all suffered when, for instance, there was only one egg in the larder. Mrs. Rosenberg hard-boiled it so she could cut it into five pieces.

Julius, with his round, pale face and his wide vacant eyes, watched his mother and father as though they were the central characters in a remote drama which he was obliged to witness in order to criticize. Then he would turn his back and stare enigmatically for hours through the window at the rooftops and the gray city beyond. During the winter, his face pressed against the frosted glass, he would watch the falling snow turn the ghetto white and clean. Julius did not seem to know that when the snow melted, nothing would be changed. He had curly blond hair and rich blue eyes and it was hard to tell him the truth.

Friday night was a happy night on the lower East Side. It was the eve of the Sabbath and the streets were empty; the pushcarts were gone, the clothing racks were gone, the tense, purposeless milling that was the ghetto life through the week was magically suspended. There was the extravagance of boiled chicken in almost every Jewish home and after dinner people sat around their stoves, or the clutter of dishes on the table, or gathered on the tenement stoops in summer, and talked of the old country. The parents sighed with blurred nostalgia and their children, whose immediate tradition was the slum world which neither they nor their parents understood, however stoically they accepted it, marveled that they could leave such a rich and fabled place.

It was during one of these Sabbaths, when Julius was four, that Mrs. Rosenberg took the children to her mother's flat at Third Street and Avenue C, and Julius gave his family their first major shock. His mother never gave him pennies for sweets on the Sabbath, but he begged one from his brother David and ran across Avenue C to a candy shop. He was hurrying back, his attention divided between a chocolate bar and fear that his mother would discover he had gone, and he ran into the side of a passing taxi. Mrs. Rosenberg heard the screams of women on the street, and the screech of brakes, and knew instinctively that her *Yoynei* was in trouble. She ran down to the street in time to take him from the arms of a big Irish woman and carry him, covered with blood and chocolate, to Gouverneur Hospital where they dressed his cuts, gashes and bruises and pronounced him in no danger. But Mrs. Rosenberg was in the eighth month with her sixth child and the baby came a day later. It died in a few hours.

2.

HARRY Rosenberg went back to work and the fortunes of the family began to ascend. They moved from the

top floor on Broome Street to the first floor at 64 Columbia, barely a block from the Greenglass home on Sheriff Street.

Like Ethel Greenglass, Julius was an exemplary student and, unlike her, driven by desires he communicated to no one. He was brilliant, but he had a dreamy manner that made him suspect among his classmates and discouraged friendship. Yet he seemed happy, he was always neatly dressed, and his arms were always laden with books. He seldom played with the neighborhood children and never once in his life did he go swimming in the East River. He defended his strangeness occasionally with his fists, but neither his mother nor his father could ever determine whether he had won or lost or, in fact, with whom he had been fighting.

When he was ten, his teachers predicted a promising future for him. They liked him, even if he was a Jew (and nobody knew the sting of prejudice then more acutely than a Jewish child in a New York public school), and there was about him the intimation of being a teacher's pet.

The Rosenbergs, meanwhile, had moved up again and for the first time in their lives they had steam heat. They were among the first tenants in the Lavanburg Housing project, the same bold experiment in public housing that produced Ethel's theatrical group. But theater of any kind was remote in Julius' mind. The project occupied most of a brief street named Goerck, since changed to Baruch Place. With steam heat came a number of other comforts, and an abundance of stuffed cabbage and gelfulte fish and cream and cheese.

Julius was in Mangin Junior High School now and, like Ethel three years ahead of him, he skipped a grade. He still spent every afternoon after school at the Downtown Talmud Torah on East Houston Street, where they called him Jonah, his Hebrew name. He may have gone there originally because it was a nice place to spend the afternoon, but he remained for reasons more profound and elusive. The school was Orthodox, but moderately so, its teachers hesitant to promulgate religious idealism surrounded by so much numbing reality, but they had trouble with Julius. He was gullible and super-sincere, they

noted, and he took the Scriptures literally. He was precocious in an erratic sort of way, so absorbed, for instance, in the writings of Raschi, the eleventh-century rabbinical scholar, that he was frequently allowed to conduct the class. It was as though (his teachers said) he had found in the wisdom of the ancients some answer and that he embraced it as a drowning man embraces a passing log.

One indignant young rabbi had stunned Julius during a lecture on Isaiah by citing a strike against Ohrbach's Department Store as a contemporary subject for eternal judgment.

"Ohrbach is sitting in our temple now," the rabbi said, "but who wants his contributions? Let him pay his workers a living wage, then his money will be welcome."

Julius was pained. "What has money to do with God?" he asked.

"Jonah," they would say to him, as if to warn him, "there are answers in your own heart, too. God does not want your mind, Jonah, he wants your heart."

Resentment would skim across Julius' face and the rabbi would say no more.

Ethel went briefly to the Downtown Talmud Torah, too, and made equally as sharp an impression on the rabbis, if for different reasons. Ethel was profoundly detached from the spirit of the school, her teachers recalled. She was even icily aloof from their practical philosophy of compassion and service to mankind.

"She was simply collecting facts," said a rabbi who taught her.

When Julius was ten, he suffered a violent stomachache for two days which a neighborhood doctor diagnosed as adolescent indigestion. By the time his mother had rushed him to Post Graduate Hospital in a taxi she couldn't afford, his appendix had ruptured. When they wheeled him into surgery, Mrs. Rosenberg clinging tearfully to the sides of the gurney, Julius bore it like a man. "Don't worry, Mama," he whispered, but he nearly died.

In 1932, when Julius was eleven, he won a scholarship award

"for outstanding service to the readers of the Torah," over the 700 other students in the school. He had been a student of Hebrew for five years now and his father began to take a growing interest, and delight, in his son's progress toward what he was sure was a career as a rabbi. At thirteen, Julius took his bar mitzvah and a year later he was enrolled at Seward Park High School (where Ethel was now a senior), and at the Hebrew High School on East Broadway. Between the two, he had no time for any kind of a normal school social life. He was considered bookish and frail anyway, and he had bad eyesight and a tendency toward spring allergies which kept him runny-nosed and red-eyed from April through August.

Harry Rosenberg's interest in his son ripened finally into a hovering, patronizing, proprietary relationship. Perhaps he saw in Julius, in the common failing of many parents, some recovery of faded longings, or perhaps a fresh longing sired by his own recognition that he had a promising son. Whatever, it more than changed his attitude toward Julius; it changed his attitude toward himself.

Harry Rosenberg had always been an economic notch above the majority of his friends and neighbors and was respectfully regarded as a man who could make money. He had successfully passed his citizenship examination and was a kind of super-immigrant adviser to other Jews seeking citizenship. But now he became a neighborhood consultant on American history, civics and politics, trying to match in expansive knowledge his son's academic parroting. The two of them frequently held forth together in after-dinner forums for the gratuitous benefit of their restive family.

The elder Rosenberg would speak about the political ideals of democracy, rousing traditions of the Founding Fathers, the heady possibility that any man could become President. He bypassed Tammany Hall and its East Side bordello cartel. "It will pass," he would say—as indeed it did, but not then, because in the depression years whores were among the few solvent inhabitants of the ghetto and the landlord welcomed them.

"A black year on them," the landlord would say, "but they pay the rent."

Julius would tell stories from the Scriptures with an eagerness and pompous authority that compelled one to listen, more to Julius than to the stories. On Passover, Julius came alive with the meaning of the day; the drama of the 3,500-year-old flight of the Jews from Egypt was as real to him as though it had happened yesterday in Seward Park. He was only sorry that he had not been there. He exalted in his sense of freedom and his father smiled indulgently.

"We are free, aren't we?" he would ask, and Harry Rosenberg would smile and say, "Freedom is something you got to take care of, all the time. If you don't water a plant and give it sun, it dies."

Harry Rosenberg could not have told you what he meant by this, beyond repeating the platitudinous admonitions of the civics class. He said it mostly to show God that he, Harry Rosenberg, took nothing for granted. For every bounty he recognized, he thanked God.

Above all, Harry Rosenberg liked to believe that he was open-minded. Christians—especially the Italian and the Irish Catholics in the ghetto—were a strange and uncivilized people, but he gave them their right to exist and believe. He was disappointed that his tolerance was not returned. It will come, he would say to himself, this uneasiness will pass.

In the end, open-mindedness became an untenable attitude as far as his youngest son was concerned, and it happened so fast that Harry Rosenberg could not remember how it began.

In 1933, in his last year at Seward Park High School, Julius was elected vice-president of the Young Men's Synagogue Association, an office chiefly responsible for fund raising. Julius fulfilled his responsibility by selling candy on street corners after school. Street corners of the lower East Side during the early 1930's abounded with orators and agitators of every hue. One of them made an irreparable rent in Julius' outlook by telling the story of Tom Mooney, the labor leader then serving his 16th year in California's San Quentin Prison for the bomb

slaying of ten spectators at a 1916 Preparedness Day parade in San Francisco. Mooney's death sentence had been commuted to life, and organized labor everywhere was crusading vengefully to obtain his freedom. Prosecution witnesses had begun to confess to perjury and Mooney's supporters were advancing the belief that Mooney had been framed by open-shop interests.

The image of Mooney as a bloodied martyr to the working-man's cause stirred Julius almost to tears, and the candy-bar sales and the vice-presidency of the YMHA faded into triviality. He failed his duty to the YMHA and began to circulate a petition for Tom Mooney. His father was shocked.

"This is something you are too young to understand. It needn't concern you. It's very far away and in California yet. California is a strange place."

But it was no use. Mooney had reared Godlike and swollen in Julius' mind and displaced virtually every sentiment he had acquired or been taught. He now realized the gulf in time and circumstance that separated him from his beloved prophets. While the rabbis preached a yellowed doctrine to a cynical congregation, men like Tom Mooney gave their flesh for their fellow men.

Julius pursued the shade of Tom Mooney as men have pursued the Holy Grail. Mooney was wrapped in the enflamed folds of 1930's Socialism that soon engulfed Julius as well. His treasured books, *Tom Swift* and *Horatio Alger*, and the Prophets, were buried beneath a daily deluge of freedom-for-Mooney literature and, soon afterward, a torrent of tracts for an aggregate of working class causes into which his Mooney pilgrimage had taken him.

Harry Rosenberg stopped remonstrating with his son and mentally held his breath. Perhaps he prayed. He said little. After all, he occasionally reminded himself, Julius was only fifteen.

The boy's decision to enter City College of New York, instead of embarking on the rabbinical training which was his father's earnest hope, came as suddenly as his emotional cataclysm over Mooney.

At the fragile age of sixteen Julius Rosenberg was bespectacled, taut-faced, thinly smiling, hurrying through the corridors of CCNY in rapt pursuit of a dynamic destiny, smarting from the woeful silences at home and still resentful of the fact that his photograph was not in the Seward Park High School yearbook because he had no money to put it there.

"What is it you are studying at this college?" his father asked him apprehensively.

Engineering, he had answered, without explaining that his choice was an expedient one. He had no interest in engineering, but he had no clear alternative interest either; most of the socially aware young men he knew were studying engineering. For one thing, it entitled them to membership in a vital organization known as the Federation of Architects, Engineers, Chemists and Technicians, a professional labor union which before the ink was dry on its charter had fallen under the mesmeric propulsion of the Communist Party.

There was nothing particularly astonishing in the genesis of Julius from devout Jew to devout radical. Given the impetus of some distasteful reality, man frequently leaps from one orthodoxy to another, and nothing changes except the focus of the absolute moral authority to which he is compelled by his nature to surrender.

Julius joined the FAECT, he joined the American Students Union and, in time, he joined the Young Communist League. He gave so much of himself to all three, to their mimeograph machines, their rallies, their leaflet distributions, their proselytizing, parades, crusades, debates, and their dialectic struggles, that in 1938, when he should have been graduated, he was several credits short.

Julius' primary obsession was Fascism. He divided the world into two camps—fascist and anti-fascist. Sooner or later, he believed, all humanity would have to join one or the other. Jews all over the East Side talked about it; CCNY wasn't the only breeding ground of concern, or even fear.

When Mussolini marched into Ethiopia, Julius broke into a cold sweat. When he read about the systematic curtailment

of the Jew in Germany, he could not sleep. He read *Mein Kampf* and he may even have contemplated the thrilling possibility of his own ultimate annihilation. He shared the convictions of nearly every Jew enrolled in CCNY that the Fascist movement was aimed at world domination and that it could well succeed. There were Fascist groups in France and England, and Julius read more about them than most people; and in his own country there was Father Coughlin whose supporters, united in something called the Christian Front, were drilling with rifles and revolvers in the basements of each other's homes. If he needed any further substantiation of his fears, he had only to travel into the old German Seventh Ward just north of the Bowery, less than a mile away, and the German-American Bund would be meeting lustily in some hired hall, or its members would be strolling the streets like junior burghers in their Sam Browne belts.

He had seen the gangs of young Bundists, boys his own age, roaming like marauders through Seward Park to smash the chess and checker tables of the elderly Jews and, occasionally, to rough them up. He himself had been stopped by a pair of them, husky arrogant young brownshirts, near Union Square late one night. He had spent the evening running the mimeograph machine at YCL headquarters and was on his way home, walking. They had stopped in front of him, arms on their hips, waiting for him to reach them. He had tried to walk around them but they sidestepped smartly and he could see that he was in for trouble. He halted a few paces in front of them and said, "Do you want something?"

They looked at each other with faint amusement.

"Do you go to CCNY?" one of them asked, not unkindly.

"Yes," said Julius, shifting his armload of books to move on. They stepped nearer.

"What does CCNY stand for?"

"What do you mean?" said Julius, looking around for help. There was no one in sight; no one, that is, whose help he could have asked—a bum on a bench 100 feet away and some strange

youths walking and talking boisterously on the other side of the street.

"What do the letters CCNY mean?"

Julius told them, with an edge in his tone that he hoped would indicate he considered them crazy. They never heard him.

"It means Christian College Now Yiddish," shouted the one who had asked. Then they both laughed and, passing on either side of him, walked away. They hadn't even touched him, and many Jewish boys had been badly mauled in similar encounters.

Julius hurried home in a rage. Dirty fascist *goyim* swine, he muttered to himself, over and over in a confusion of resentments, until the words lost their flame and became sweet and pleasing to the tongue.

3.

WHEN the Spanish Civil War broke out, Julius and his friends were fired with hope and a desperate, ecstatic enthusiasm. Here was the test. Now was the chance to do something tangible, something measureable, about Fascism. One heard that Italian and German military equipment and forces were pouring into Spain and exposing the ranks of Fascism to destruction on the battlefield; if only the rest of the world realized this and joined to stop them now. It was the opportunity to obstruct the Rome-Berlin Axis program of world conquest. Julius and his fellow students recruited volunteers, money and slogans for the Loyalist cause. They organized subcommittees of the Spanish Aid Committee, collected clothing, medical supplies and cash, and scores of the students sought to enlist in the International brigades then being formed. Julius had bad eyesight and allergies and did not try to enlist. It was not his role, anyway; he was a thinker and a planner.

Julius' new studies had taught him that Fascism had far broader implications than military conquest. Fascism was the product, he knew, of the chronic economic instability of Eu-

rope. After destroying Fascism's newest flowering, it would be necessary to reconstruct the world by the Marxist blueprint. Marxism, at this juncture in Julius' maturity, was the vague, general declassification of society, the equitable transfer of economic power from the few to the many. He did not consider himself a Communist, partly because he was too much a neophyte for the Party to accept him, and partly because he had not yet decided whether he wanted to join. He recognized Communism as the most militant of the economic reform efforts, but he regarded the others—Socialism, Labor Socialism, anarchism—as elements of the same common surge and believed they would ultimately all unite under a common banner.

He was somewhat astonished, though by no means antagonistic, when an occasional student from Cornell, Princeton, Yale, Columbia and even Dartmouth, turned up at the Save-Spain meetings. He treated them initially with a wariness he might have reserved for men from another planet, and he discovered they were appalled not at social injustice but at Franco's treachery. He accepted them nevertheless, privately concluding that they would come to learn that treachery, Fascism and economic injustices were woofs and warps from the same weave and he anticipated their moment of awakening. He also discovered, to further nourish the growling in his soul, that the youth from uptown enjoyed vastly more of the common property of liberty than the youth from the ghetto.

So, like a squad of gardeners of different trainings attacking an infestation of crabgrass, the youth of New York marched to save the Republic of Spain. Some would be content to uproot the weeds, but many more wanted to remain and plant their own weeds. Too many fertilized the soil with their own corpses. All believed that to stop Fascism in Spain would achieve more at home than all the pamphlet distributions and mass meetings, for war was the catalytic ingredient in the formula to change the world.

The idea of Spain, even as an academic abstraction, came as a relief to mounting portents of doom that were squeezing

Julius' spirits—and those of a good many other ghetto Jews. Life had a soap opera suspense for them. What would Hitler do next? Marinus van de Lubbe, a Jew and a Communist from Holland, had been beheaded at Leipzig, convicted of setting the Reichstag fire. Germany had quit the League of Nations. Hitler, with von Hindenberg's death, had become the *Führer*. Engelbert Dollfus, the Chancellor of Austria, had been slain by Nazi agents. Hitler had begun conscription and had repudiated the Versailles Treaty. The League of Nations, with commendable conviction and a mood of futility, had voted economic sanctions against Italy over Ethiopia, whose surrender seemed always only a matter of days. To Julius, the world's ineptitude in the face of such a clear and present danger was a thin veil over capitalist corruption. Congress called a halt to direct federal relief, noting that \$3.6 billion had been spent in an inadequate effort to keep 14 million unemployed Americans from starvation. However, hope for the workingman flickered now and then on the far horizon; John L. Lewis launched the CIO and promised a new future for American labor, but lower Manhattan was a well of people floundering in a tide of ominous happenings.

Like many converts, Julius was confident to the point of arrogance. His family had given up discussing world affairs with him because he had a ready answer for everything and the answer was always the same—socialism. Marxist Socialism.

He talked of the socialist future as though it were no farther off than next year's elections, and he considered himself politically mature; his friends thought so too. He became something of a campus hero, in his private orbit through musty meeting rooms, littered conspiratorial alcoves in CCNY's corridors, and in the FAECT meeting rooms on Beekman Street, after a meeting there one night. Julius told his family about the incident, his pride and satisfaction giving way to anger over their lack of comprehension.

"There was this fellow—from NYU, I think; he was a troublemaker, a Trotskyite—"

His father cut him off with a look of bewildered irritation.

"A what?" he said, not wanting an answer.

"A Trotskyite, a deviationist," snapped Julius. "He was trying to make trouble during the meeting."

"He wanted to say something?"

"He *did* say something. He was trying to challenge a resolution for no reason at all. I stopped him. I stopped him *cold*. I pointed out his entire record of obstructionism. I *called* him a Trotskyite. Everybody began to shout and he left the meeting."

Harry Rosenberg's face was creased as though he were in pain. "It's a free country," he said softly. "Maybe he had something to say."

"You don't understand," said Julius, anguished.

"No, I don't," answered his father, sighing, and they spoke no more about it. Harry Rosenberg hoped that this too would pass, but he was afraid it would not.

Julius was too excited to allow his father to suppress him. He left the house. Julius was saddle sore with the faults of society—the class oppression which he blamed for his father's benighted state and his impoverished heritage. The people did not understand these causes as the motives of the movement which sought to correct them. It was a tedious process of education by dedication, manipulation, emotional persuasion, and, when all else failed, by force. Often it seemed that force should come first—to shatter the wall of ignorance.

How, for instance, could he explain to his father the technique of Democratic centralism—the rationale that informed action by a few is better than uninformed action by all. The masses had so much to learn.

Julius enjoyed bureaucratic organization; he was secure in the maze of committees, subcommittees, sections, work groups, chairmanships, vice-chairmanships, unit leaders—the chains of responsibility woven together to form a net. It throbbed with promise and productivity. If there had been other groups whose aims were consistent with his new beliefs, he would have joined them. None of these organizations cared whether Julius ever got his degree from CCNY or not, and once when he

offered his delinquent studies as a reason for not helping in a pamphlet distribution, he received such a pained look of censure, implying that the welfare of the world would have to wait while he did his homework, that he never mentioned it again. Was he resisting, however unwittingly, the mindless busyness, the mechanical indoctrination of it all? He never had a chance to find out. He fell in love.

4. A Tender Conspiracy

Life is pain . . . love is an anesthetic.

—CESARE PAVESE

• SOMETIME immediately prior to the reign of the late Senator Joseph McCarthy, an investigator was sounding out a defected Communist as a prospective witness for the committee's public hearings. The investigator, anticipating that his man would not only name names but give an inspiring explanation of his repudiation of Communism, was more dismayed than amused when the defector blamed everything on sex.

The man had been a butcher, employed in a large New Jersey packing plant, and had been enticed in the late 1930's to meetings of a Communist study group by a fellow butcher who described the organization as a vast reservoir of girls with highly flexible moral standards.

He went into the movement for sex, he admitted, and left it for the same reason. His expectations were never fulfilled, but he did meet a Polish girl about whom he enjoyed passionate fantasies. But her passion was for Marxist meetings and she was more interested in his conversion to Socialism than she was in him as a man, and he strove in vain to impress her and seduce her. Removed from the context of his longings to take the girl to bed, he found Marxism boring and incomprehensible and went back to the Catholic Church where girls were

less demanding and didn't talk so much. At the time of his interrogation he was happily married and the father of four children.

"Those stories about the Communist Party being the easiest place to get laid," he counseled, "ain't true."

Obviously nothing would have driven Julius out of the camp of revolt quicker than the realization that its members dallied in sex; in short, he was a prude and he shared the failing of reformers in that he was also censorious. For himself, he placed sexual love on the same kind of idealistic plane on which he placed Socialism. He was stunned into previously unimagined raptures when Ethel Greenglass fell into his arms like the materialization of a dream.

It happened on New Year's Eve, 1936, at the International Seamen's Union annual fund-raising ball. It was held in a rented hall on Delancey Street, a shabby, musty auditorium pathetically festooned with red and blue streamers and miserly clusters of balloons. There was a six-piece band and a program of amateur talent and Ethel was on the program. There is only Julius' version of how they met. Ethel never challenged it, indicating that it was either true or that she preferred it to the truth.

Waiting to go onstage to sing "Ciribiribin" again, Ethel found herself unaccountably nervous. She was sitting in a far corner of the ballroom, alone in a row of chairs abutting into the wing of the stage upon which the orchestra was still playing in a perfunctory way. Julius saw her, recognized her as someone he had seen before, and prevailed on a friend to make the introductions. Julius had come to the dance alone, out of duty rather than any anticipation of pleasure, for pleasure-seeking taxed his knowledge of human affairs. Even the rudiments of male-female social intercourse were unknown to him and in Ethel's dejected, preoccupied and anxious air, he detected a kindred ineptitude. Ethel may have been ignorant of the art of pleasantries, but she knew what she wanted.

"Why are you nervous?" he asked, concealing his own apprehension. She smiled balefully. She didn't know. She hadn't

sung for some time. Her appearance was not for an hour or more but as the time passed she grew more unsure of herself.

"I've heard you have a beautiful voice," he lied. "What are you going to sing?"

He was trying desperately to think of some way either to help her or to leave her. At last he suggested that they go into one of the rooms behind the stage and she could sing and he could tell her how it was. When she demurred, glancing at the milling dancers, seeking someone to rescue her, he insisted in his gentle way and she consented.

"It's so noisy here," he said, "no one will hear you and it will give you a chance to practice."

She said she had been practicing all afternoon and that it was no help. Then, once more couldn't make it any worse, could it?

The incident restored her confidence because as she began to sing, his attitude became one of discomfited awe. Far from being critical, as she had feared, he was worshipful.

He took her home that night and they talked animatedly of politics, of Socialism, of the war in Spain, of how intervention now was the salvation of the Jew and of the world. He was impressed because she had practiced her Socialism—she had been in strikes and she had organized unions; she was the confident voice of experience.

She was moved, for the first time by any man, by his reticence, his admiration and his obvious pliability, and by his inflamed dedication to the cause she felt so deeply. He took her arm with painful gentleness when they crossed the streets, stepping over the half-frozen puddles of soot-blackened slush along the curbs. His restrained gesture of protectiveness thrilled her. She knew he would not want to paw her, to grapple with her in the dark doorway of 64 Sheriff Street, and little melodies swelled against the walls of her heart and fluttered into her throat.

Julius told her of how he had always dreamed of being a rabbi, and how Tom Mooney's tortured martyrdom had opened his eyes to the certainty that what Judaism had failed for centuries to accomplish could be done now by politics.

This awakening had displaced all else in his plans; even his goal to obtain an engineering degree was being sacrificed to this other, greater need. He would not be graduated. It was unfortunate but in the long run it did not matter.

Ethel was shocked. She remonstrated with him, and he protested.

"It's impossible," he said, "there just isn't time. I can't do everything."

They were turning the corner of Sheriff and Rivington streets, across from the synagogue where Ethel's family had always worshiped. It had been a long walk, nearly an hour, and they were close to Ethel's door. Abruptly she stopped him, grasping his wrist.

"I'll help you," she said.

The courtship was over. It was irresistible—the lonely, empty girl of twenty-one who felt like a misunderstood older woman, and the surging, hungry, lonely youth of eighteen. Their tacit pact was deliriously rich with expectancy. For the first time in their lives, each would have someone who cared, who sympathized, who might understand.

Ethel was far more confident than Julius. She knew exactly now what it was she wanted, but Julius was only a tender bundle of barely sprouted dreams. Ethel would have to guide him and knew that she could, because from the beginning she held the balance of their mutual emotional dependency. It was she, and not Julius, who had decided that they were no longer strangers. It was her initiative to preserve it or to end it.

Slum children grow up early in life. Kicked by heritage, tormented by Providence, deprived by the circumstance of birth, they are tough but they are seldom cynical because they are envious. Ethel's progress toward this grudging maturity was accelerated by the loveless antagonisms in her home. What she wanted was only what she believed she needed, and she may have also believed that she could not survive otherwise.

2.

WHEN the fall term began two weeks later at CCNY, Julius was at Ethel's house every night—every night except the Sabbath which he still spent at home, choking down *chalah* along with his resentment and impatience. The orthodoxy of his fathers was too deep rooted to permit him to defy it without recurring stabs of guilt all his life.

Julius was supremely proud when Ethel confided to him that he was her first real beau. She, of course, was his first girl. In those first fragile weeks of mutual exploration and discovery, Julius was too nervous to effectively enlist her help with his schoolwork, and she was too guarded to provide it. The excitement of blossoming love stirred them both and it was well into March before they settled down to get Julius his degree.

Ethel had purchased a battered portable typewriter from a downtrodden actor at the Henry Street Settlement House, where she still studied drama spasmodically. It was on this machine that she typed Julie's labored papers on engineering. He was cramming desperately now, with Ethel's inspired encouragement, in a virtual crash program to make up the lost credits. She became his conscience, prodding him in a motherly sort of way, reminding him that the realization of his goals would be that much nearer when he had been graduated, discreetly withholding her tenderness with shaded intimations that they would be lovers if he was a good boy and did his homework. There were elements of humiliation for Julius in the relationship, or so it seemed to acquaintances who would drop by Ethel's house after dinner and find her driving him like a schoolteacher.

In the winter, the two of them sat at the big round table in the kitchen, Ethel's mother behaving like a furtive, unwanted onlooker. She was as friendly to Julius as she had been to any of Ethel's friends, and she apparently entertained the notion that Ethel was taking the first steps toward getting her-

self a decent Jewish husband and settling down. Julius' *revolutionary fantasies were unknown to her then. All she knew was that Julius was there every night, that he was studious and quiet, polite to his elders, that Ethel liked him, and that there was no monkey business.* Ethel's brother David was less confident of this latter. Julius was agreeable toward him, if condescending. David was fourteen, the awkward age of exploding awareness, and he suffered both a vicarious thrill and sense of personal outrage during those long moments when Ethel and Julie said good night in the doorway at the foot of the stairs. He would wait at the top of the stairs until she returned, searching her face apprehensively and accusingly. Ethel thought he was only curious and would gently ruffle his hair in passing. Did she also ruffle Julie's hair? David wondered.

It was not until the summer of 1936 that Julius returned to his activities of the ASU, the YCL and the FAECT. He often had trouble separating their programs, and his respective assignments, in his mind. They all tended to merge in his luminous dreams for society. Ethel went with him now, to the anti-Hitler rallies and the meetings for Spain. There were gatherings afterwards at the homes of friends, for coffee and singing. There was the headiness of righteous battle in several rousing choruses of "Solidarity Forever," sung to the melody of "John Brown's Body."

These gatherings marked the first appearance of the guitar and the folk song outside their native origins and probably were the forerunner of the mournful spectacle of the disheveled, plaintive balladeer as an instrument of popular contemporary entertainment. In fact, it was doubtless during this disordered interval in American history that the pathetic inadequacies of oppressed and ordinary man became a commercial image successfully exploited subsequently by at least two decades of movie, radio and television producers, not to mention comic strip creators.

Dagwood and Blondie, for example, are more an expression of maudlin Marxism than of suburban bourgeois prosperity. Dagwood's whole world is against him, mocking him and toi-

erating him with sadistic contempt. His boss is stupid and autocratic, his wife is selfish and calculating, his children are at best amused by him, and even his dogs treat him with condescension. He is a hapless victim of the Establishment.

Julius and Ethel, however, did not read comic strips. They read the *New Masses*, slowly emerging from its initial role of inciting worker rebelliousness into a more polished organ of Stalinist thought and harangue. They also read the *Daily Worker*, but they did not read the Socialistic periodicals. Socialism was the decaying protest of their elders, the vapid dream of sweatshop escapees.

The Socialists lacked the class hatred which had broad satisfactions for Julius. He not only had a lower East Side boy's intuitive resentment of Americans of more comfortable circumstance, he also had a father to whom Socialism would have been acceptable and comprehensible and he wanted to awe his father with something better.

"The world has gone your way too long," he once said in a rare incident of open revolt. "You can't build on centuries of corruption."

What soon became his tobogganing persuasion to the hard red radical stand was facilitated by the systematic nature of his mind, his fetish for intellectual order. There was logic on the side of Socialism and patent justice in its aims, but its tools were rubbery and its dialectics full of argument and qualification. In Stalinist dogma, Julius could see the irrefutable answer and the irresistible means to abolish the cruelties of the established order.

Even during the era of the Popular Front, which began in 1935, the Communists embraced the Socialists grudgingly, as though they were relentless competitors united only by a temporary truce of expediency. The Socialist effort also had a mark of age about it, and when the intellectual body of the nation turned left in the mid-30's, it gravitated to the fevered vitality of the Communists rather than the calculated moderation of the Socialists.

One of history's inadequately explained phenomena is that

of American humanitarian intellectuals so beguiled by a political and economic philosophy that had established itself, and maintained itself, by terror. Physical violence and brutality were implicit in its progress in the United States, yet those who found Communism compelling were motivated by a revulsion over the economic violence and brutality of capitalism run amok. Perhaps this is not an inconsistency, but only a question of traditional values deranged by chaos.

3.

FOR all Ethel's outward devotion to Julius, his absence now from some of the many meetings he had felt passionately obliged to attend brought her a measure of criticism from his friends. Not that Communism could ever come between them; she bore the criticism without comment, but discouraged Julius from pamphletting and other committee drudgery unless she was confident he could spare the time and that she could be with him. "He used to be a regular Jimmy Higgins," said a fellow FAECT member, "and now he's too busy studying or loving."

And in the spring of 1936, neither the forever impending revolution, the demands of revolutionary discipline, or the growing recriminations of his comrades altogether syphoned off the sap that moves in every New Yorker's blood when the shoots of green begin to fleck the trees and the familiar odors of the East River are replaced by a fragrance New Yorkers have never been able to identify. It induces misty visions of unfamiliar places, vague treacly longings and limp passions. Julius and Ethel gave in to this seasonal phenomenon by riding the subway up to 178th Street, and walking across the George Washington Bridge to stroll through the Palisades like truant love-sick adolescents, with spirit and with guilt.

Ethel was still working for the Bell Textile Company as a stenographer, but at \$25 a week. Her father's income had de-

clined and she was obliged to contribute increasing amounts to the support of her family. To meet his own expenses in school, plus the cost of courting, Julius found a job through a relative as a clerk in a drugstore at 125th Street and Lennox Avenue, near the CCNY campus. He worked between 10 and 12 hours a week and still managed to be at Ethel's home in the evening to do his homework, to attend an occasional Marxist study group and to put in at least one night a week for the ASU, the YCL or in the FAFECT. His social life, as well as Ethel's, consisted of occasional Sundays in the Palisades and the song-filled meetings in the homes of friends on behalf of Loyalist Spain.

In April of 1936, Ethel and Julius marched in the CCNY students' strike for peace. Ethel stayed home from her job, on the pretext of sickness, and joined Julius in the mob of students who walked out of classes throughout the morning in a parade that wound haphazardly for blocks around the school. They carried placards and banners echoing "peace in our time" which conflicted with their battle cries for Spain, but it was the Party path and Julius and the others trod it precisely.

Discipline to a Communist, Whittaker Chambers once observed, is what piety is to a Christian.

It was apparent that the satisfaction Julius derived from protests was in direct proportion to the amount of reaction it provoked. One of the most satisfying protests was one in which he barely participated. It occurred in the spring of 1934, during his first year at CCNY. A delegation of Italian students, whose tour of American schools had been approved indifferently by the State Department, appeared at a CCNY council meeting, a gathering then compulsory for all freshmen students.

The anti-Fascist sentiments of Julius and the radical-enamored youth of the East Side were contagious to the mass of the CCNY enrollment, and when the college president, Frederick W. Robinson, stepped to the microphone to introduce the visitors, there was an outburst of jeers and catcalls so deafening that Robinson was unable to speak. He managed at last, however, to deliver in a series of shrieks his opinion that the stu-

dents' behavior was that of "guttersnipes." The student council president, whose presence on the stage restored order, was jostled to the microphone by Robinson and some other school officials who directed him to bring his fellow students to their senses. He double-crossed Robinson, since he was one with his audience, and began a vituperative anti-Fascist harangue. This was too much for the Italian delegation to bear and several of them pounced on the speaker, dragging him to the floor. A riot followed.

When police arrived, the bedlam had reached serious proportions and in a genuinely disinterested desire to quell the disturbance—allowing for whatever prejudices they might have acquired in previous encounters with Wobblies and the like—New York's finest cracked a few skulls with their nightsticks.

The episode had a number of repercussions. The entire student body blossomed a few days later with lapel buttons reading I AM A GUTTERSNIPE—I HATE FASCISM. Robinson expelled some two dozen students. The first order of a peace rally led by James Wechsler at nearby Columbia University was a bloodthirsty cry for the professional scalp of Frederick Robinson for this and other antiprogressive demonstrations.

Julius longed to be a member of the Communist Party proper, but his longings reached their peak as the Party was becoming increasingly circumspect about admitting untried followers. In the 20's, the Party's requirements for membership had been flexible and even lax. The meetings were often chaotic with factional disputes that ended abruptly when Stalin came to power in 1929 and declared the era of the Third Period, the term of Communist evolution described by Lenin as the time for consolidation of gains.

The *Daily Worker*, which had been virtually unreadable in its wild and irrational emotionalism, began to acquire semi-professional newspapermen and with them some polish and order. As the depression continued, many thoughtful people became convinced that American society was disintegrating. To Julius, American society had never been worthy; it was historically bankrupt and traditionally corrupt.

The American intellectual's romance with Communism was hopeful, but essentially casual. By the mid-30's, the *New Masses* began to break out with articles by Hemingway, Dos Passos, Dreiser, Farrell, Edmund Wilson, Erskine Caldwell. It was not Communist writing, or even political writing; it was mostly depression journalism but it served the Party's cause. When it served no longer, its authors were denounced by the same magazine as "enemies of the people." The magazine was still edited by Michael Gold whose best-selling book, *Jews Without Money*, the story of his own tortured lower East Side childhood and adolescence, had stunned even conservative critics into a kind of horrified admiration.

Within this disturbed social framework, there was nothing unique, unusual or pathologic about the development of Julius and Ethel. Cut off from more healthy personal objectives by economic handicaps and resentful natures, they were further removed from the reality of America by the cultural chasm which separated their families from it. For them to seek to forge a comprehensible destiny was more natural than not. They struggled in a system which they could not understand or change and which, in time, they could only hate. The American way of life became then the perennial antagonist in the dramatic utopian fantasies for which Julius and Ethel lived.

- Even their love harassed them with sensations of remoteness, their dreams of and for each other fouled in the complexities of the Marxism utopia that was forever coming. The pleasures of physical love eluded them, too; they clutched at each other in despair over the certainty that nothing would be truly satisfying until the golden tomorrow arrived.

"They are always touching each other," Mrs. Greenglass was fond of complaining. She saw only sensualism in the courtship, but unfortunately she was wrong. Personal fulfillment at any level was impossible for either of them then.

The best that Julius could do was to please Ethel. He finished school because of her. "She expects it of me," he declared with pride. He went to meetings and rallies at her sufferance.

He dressed to her approval. The Palisades excursions were her idea. In fact, as the years went on it became apparent that the course of their lives together was her idea.

4.

AMERICANS who floundered into the Communist movement in the 1930's—rather than sink into hopelessness—were often described by unsympathetic friends as naïve idealists who believed the nature of man could be perfected by perfecting man's social environment. But it is often hard to decide whether naïve idealism is a cause or an effect; whether a man is moved by an idea, or whether the idea is a rationalization cloaking the compulsions of a disturbed mind.

Julius and Ethel were, in acceptable company in the late 1930's. Admirable and successful people, many of them the guilt-ridden or rebellious children of wealthy parents, were deeply involved in the Communist movement, directly and indirectly. The socio-economic progress of the Soviet Union was held in open admiration. President Roosevelt accepted, with rather perfunctory gratitude, an honorary membership in the FAECT. Mrs. Roosevelt had the leaders of the American Student Union in for tea; she was vastly relieved to hear, from their lips that the ASU was not really a Communist organization.

Nearly every writer of promise and stature in the United States participated in the activities of the League of American Writers, whose sponsorship by the Communist Party was thinly concealed. In the spring of 1939, more than 300 nationally prominent intellectuals and artists signed a statement denouncing as "a fantastic falsehood" the notion that the Soviet Union was a totalitarian state. The ink on the statement was scarcely dry when Stalin and Hitler negotiated their nonaggression pact; the League of American Writers suffered mass resignations and repudiation from members and sympathizers who felt betrayed. The radical plunge had been the grand adven-

ture, the noble and great experiment, and overnight it was treacherously destroyed and only a rubble of ideas remained. The Party rationale was that Stalin had done a brilliant and expedient thing, that the Russian bear would swallow the Nazi. Those few intellectuals who remained accepted the pact with the cynical reservation that the whole emerging war in Europe was just another shameless struggle for the redivision of Empires; it was the last defense against the total surrender of their will to Communism. When Hitler invaded Russia, of course, the distress of ideological inconsistency was relieved. The whole world was at war.

None of this political sidestepping had even the remotest effect on Julius, who would have refused to understand it if confronted by it; he seldom read anything but the *Worker*, the *New Masses*, his textbooks and Party tracts. His bookshelves at home revealed that his recreational reading had stopped at *Tom Swift* and resumed again with Dreiser's *An American Tragedy*, Howard Fast's early works, Lincoln Steffens' autobiography, and a few somber novels dealing with the anti-Semitism in America.

Julius needed Communism as much as he needed Ethel. Both gave validity to his agonizing resentments and overlooked his staggering inability to make productive sense out of life.

Julius read Karl Marx only enough to quote him, in the requirements of radical fashion, but not enough to reach any critical judgment—a shortcoming typical of the radical of the 1930's who chose, instead, to embrace the Marxian battle cry, "Philosophers have explained the world; it is necessary to change the world."

It is easy to say that a Communist wants to change the world because he is personally unhappy in the present one, yet it is true that the adventure of the crusade of change and the anticipation of the result has its satisfactions. It seemed true for Julius who, looking back on the despair of his own origins, knew of nothing except Communism that could offer him a total faith; he was not a spiritual vagrant.

In the fall of 1938, during his last semester at City College,

Julius began to take time to break down the unconcealed hostility of David Greenglass, whose attitude remained that of an adolescent rival. Julius began to bring the boy presents and to awe him with dazzling political clichés imbedded in repetitious tirades about a better world. He wore down David's jealousies with tireless affection, climaxed perhaps by giving David a chemistry set at a time when he was chemistry crazy. The set cost Julius a week's pay at the drugstore but it was worth it.

Julius felt confident of getting his degree and during this last semester he gave increasing amounts of time and energy to the Young Communist League and the American Students Union where, because of his seniority in age, he was held in some esteem. He found himself writing the inevitable Party tracts and pamphlets, running them off late at night on the YCL mimeograph machine, and on an occasional Sunday peddling the *Daily Worker* from door to door, many of which were slammed in his face. But it was all part of the acts of faith. Probably half of the youth of the lower East Side belonged to some intensely radical movement then, giving grief to their parents who, although rooted in the socialist sweatshop tradition themselves, paradoxically hoped their children would succeed in the capitalist world. Julius brought David into the YCL finally, although David was more interested in the League's handball team of which he became a valued player. Years later, in an astonishingly sentimental tract which appeared under the imprint of Masses and Mainstream, a frequent publisher of Communist literature, City College classmates were moved to misty eulogy of the "older and politically mature" Julius.

At that time Julie and his fellow students were rallying constantly, and in vain, for President Roosevelt to lift the arms embargo on Spain. Many students, friends, and one favorite instructor, had died on the battlefields. Fascism was crushing this last-ditch defense by the slender forces of decency. Czechoslovakia had been partitioned, and on top of it all, there was what Julius and his fellows termed "the Munich sellout."

"I recall the hopeless dejection we were in," said a man identified as Al (asking that his real name be withheld to pro-

tect him from "retaliation by the FBI"), "and we sought out Julie. We knew that 'peace in our time' meant war. Julie did not minimize that. But somehow he dispelled our mood of pessimism. With us he faced the facts clearly, without panic; he added them up with a long view. Munich or any other setback was only a temporary defeat. Julie had a sense of history."

Julie didn't dare have anything else.

Still, the mood of despondency prevailed, according to *Microcosm*, the CCNY yearbook for 1939, even during lectures. "A biology professor broke down completely, exclaiming, 'What's the use of attempting scientific discoveries to save lives when madmen in Europe do their utmost to destroy them?'"

While the professors were beset by doubts, the Communists stood by outside the classrooms with ready, monolithic answers. It could not be said that the Communist went to college to learn; he went there to agitate politically. Julie was almost out of college when this realization struck him. Now he and Ethel were doubly glad he had remained to get his degree. It was his duty to the movement, as well as to himself.

Julius got his degree in February of 1939; bachelor of science in electrical engineering, ranking 79th in a class of 85.

In June of 1939, he and Ethel were married in the old synagogue on the corner of Sheriff Street, an Orthodox ceremony conducted by a rabbi named Zen. All members of the Greenglass and Rosenberg families were present, and Ethel's brother, Bernard, was best man.

During their first year of marriage, Ethel and Julius occupied a room in Williamsburg in an apartment of a former City College classmate and fellow leftist named Marcus Pogarsky. Julius tried his hand at a variety of jobs. He worked as a tool designer for a Brooklyn firm for almost a year, then worked on speculation for an inventor trying to perfect a machine tool innovation. In the meantime, he had applied for civil service work and in September, 1940, was hired as a civilian junior engineer at the Brooklyn supply office of the U.S. Army Signal Corps at a salary of \$2,000 a year.

Ethel had gone to Washington where she worked briefly for the Census Bureau. When Julius got his new job she returned to New York and began to put in evenings typing and filing for the ladies auxiliary of the FAECT. For his student devotion to FAECT, Julius was appointed Civil Service chairman of the organization's Metropolitan Chapter 31, a position in which he supervised appeals in disciplinary cases, processed grievances and job placement of members.

The Rosenbergs continued to be involved with their City College friends and former classmates who remained active in FAECT. What little free time the couple managed to squeeze out of their lives was spent among the same people with whom they worked, professionally and politically. They drank coffee, strummed guitars and sang folk songs.

5.

ETHEL and Julius remained busily conspicuous radicals throughout Julius' first two years with the Army. They attended the interminable meetings, passed out torrents of leaflets, sold the *Daily Worker*, clamored for peace during the Hitler-Stalin pact and clamored for war afterward. They collected funds door-to-door for every conceivable Communist front cause, notably the joint Anti-Fascist Refugee Committee. They were also saddled, Julius particularly, with an assignment to sell \$5,000 life insurance policies underwritten by the International Worker's Order, a Communist front body whose offices, besides processing insurance applications, served as a training school for Party neophytes.

Julius was progressing nicely in the civilian ranks of the Signal Corps, and in 1942 he was promoted to assistant engineer at a salary of \$2,600. He and Ethel, who was now pregnant, gave up their furnished room for a three-room apartment at Knickerbocker Village, a vertical housing project at 10 Monroe Street on the lower East Side, at a rental of \$41 a month. It had steam heat, it was new and clean, and it was the most lux-

urious home the Rosenbergs ever had. It contained a living room, a bedroom, a kitchen and a bath. There was more room than ever for the itinerant Party functionaries from Detroit, Chicago or Cleveland, who dropped furtively into town and spent a night or two on the floor of the Rosenbergs'—or somebody else's—apartment.

They furnished it with possessions of two friends and fellow FAECT functionaries, Sylvia and Harry Steingart, who were moving to California. The Rosenbergs got the use of the furniture, the Steingarts saved on storage charges. It was supplemented by a \$25 upright piano, a huge homemade breakfront (acquired from its creator, an electronics executive, after he discovered it didn't fit in his own house) and by a "console" table. This latter item came to assume as much importance and notoriety in the fate of the Rosenbergs as Whittaker Chambers' famous "pumpkin papers" had in the ruination of Alger Hiss.

Julius' job was that of an inspector of electronics products produced by private industry for the Signal Corps. In this capacity, he was stationed at defense plants throughout the New York area, with periodic visits to other military installations including Fort Monmouth, scene of Senator McCarthy's dubious and controversial espionage exposés of a decade later. Julius was saved from the draft by his job, the arrival of his children, and a psychosomatic tendency to severe upper-respiratory ailments.

When the first Rosenberg child, Michael, was born March 10, 1943, Julius had been promoted again. He was now an associate engineer with a salary of \$3,000 yearly. He occasionally saw his old friend Morton Sobell, who worked briefly at the Naval Ordnance Bureau in Washington, got a master's degree in electrical engineering at the University of Michigan and then went to work for the General Electric plant in Schenectady. Rosenberg also encountered Max Elitcher who worked for Naval Ordnance and who was Sobell's most intimate friend.

With Julius' latest promotion, he and Ethel felt sufficiently affluent to take their first vacation. They rented a cabin at a

resort near Peekskill where, to the amusement of friends, they swam and hiked. Ethel would stand by admiringly while Julie clumsily chopped wood with an ax or incongruously attempted some other outdoor feat. In the evenings, friends remembered, they would be locked in each other's arms in a hammock, Julius dreamily petting his wife while she sang to him.

Many of the FAECT crowd lived at Knickerbocker Village, including Ann and Michael Sidorovich, another pair of names that would haunt Julius and Ethel to their graves.

Ethel remained a full-time housewife after Michael was born, and even sacrificed some of her ideological chores to give all her attention to the rearing of her son. But the boy was sickly and nervous, spent most of each winter in bed with colds, sore throat and fever. Despairing, Ethel took a course in child psychology at the New School for Social Research and, as Michael grew older, she studied music for children at the Bank Street School in Greenwich Village. She also studied the guitar for a year, learned to play an adequate accompaniment to her own singing. Ethel also worked for the East Side Defense Council, a Civilian Defense branch, wrapping bundles for Britain, typing, and soliciting blood donors. Women who worked with her in the Council Office, at 137 Avenue B, recall that she did a great deal of subtle proselytizing, presenting the Party concept of the war as the great crusade to end Fascism, on earth, a crusade she believed was led and sustained by the Soviet Union. It was out of place coming from such a frail and seemingly gentle woman.

Once a month Ethel and Julius would write a letter to David Greenglass who had been inducted into the Army and, after a tour of Army training camps, was working as a machinist at an installation known as Los Alamos in New Mexico. Shortly before going into the service, he had married a neighborhood girl and childhood sweetheart named Ruth Prinz. She had gone west to be with David and they were living in a tiny apartment in Albuquerque. David spent only weekends with his wife since he was not permitted to leave Los Alamos, some 60 miles to the north, between Mondays and Fridays. Ruth was employed as a

stenographer at the OPA office in Albuquerque and bore his absence bravely.

Sometime late in 1943, Julius and Ethel stopped buying the *Daily Worker* and they withdrew, slowly, from FAECT activities, losing contact with friends and acquaintances of many years.

A few months later, Army intelligence investigators began appearing in the neighborhood asking questions about the Rosenbergs. They met with hostility for the most part but they must have unearthed something because in March, 1945, Julius was fired from his job on charges that he was a Communist.

Both he and Ethel were aware of the inquiry which preceded the firing and it so unnerved Ethel that she fell seriously ill and spent four months in bed, leaving Julius to hunt for a new job and take care of Michael. He was spared the housework because Ethel hired a maid named Evelyn Cox who came, in three days a week from the time of Ethel's illness until the end of 1945. People wondered how they could afford it, with Julius out of a job, but nobody ever asked.

Julius fought his dismissal to the extent of filing a formal appeal and making three or four trips to Washington to complain to his Congressman. Then he found work with Emerson Radio Corporation in Manhattan, one of the firms whose war-time products he had inspected. He made from \$70 to \$100 a week, depending on overtime, but the job lasted only until December of 1945 when defense production began to be cut back after the surrender of Germany.

Over the years, Julius made a kind of peace with his father, but being fired by the Signal Corps destroyed this fragile relationship. Old Harry Rosenberg was now ashamed of his son. A man forbidden to serve his country was a disgrace. He listened to his son's explanations, but there was a bluster in them that conveyed no truth to Harry Rosenberg. He did not want to see his son again, he said, and stuck by it until a year later when he lay dying of a kidney infection in Mount Sinai Hospital.

All the Rosenberg and Greenglass relatives came to donate

blood to the old man, who remained on the critical list for weeks and then rallied slightly and sent for Julius. The son came one night, sat on the edge of the bed, shaved his father and humored him. Three hours after Julius left the hospital, a new truce arranged between them, Harry Rosenberg suffered a massive coronary thrombosis and died.

A year later, Ethel gave birth to her second son. He was named Robert Harry Rosenberg, "in beloved memory," and Julius and Ethel had two problem children.

Julius was ill at ease with Michael, troubled by the simmering dissatisfaction over his own upbringing, and now his distress was doubled. He was fearful he would repeat the mistakes of his own parents and he studied the boys intensely, seeking some clue to guide him in his role as a father. Ethel relied on a selection of texts on child psychology and frequently acted as though she blamed the experts when things went wrong.

On the days when Julius and Michael were thrust together by Ethel's illness, Julius took the youngster to one of three places—Penn Station, the Bronx Zoo, or just riding on the subway. It was all he could think of to divert the youngster and make his own participation in the relationship a minimum one. He had his hands full anyway, for Michael was demanding, rude and given to tantrums which neither Ethel nor Julius could ever control. As passersby stopped to stare at the screaming, twisting Michael, Julius would smile thinly in a silent plea for sympathy, his arched black pencil-line mustache spreading and drooping.

When Julius saw his employment with Emerson Radio nearing an end, he approached Ethel's brother Bernard and a Knickerbocker Village neighbor named Isidore Goldstein and together they raised \$5,000, mostly from their families' savings, and formed a partnership called United Purchasers and Distributors with offices in the elder Barnet Greenglass's shop at 64 Sheriff Street. They bought up war surplus hardware and resold it on the wholesale market. It was not profitable and the firm was dissolved after five months.

David Greenglass was out of the Army by this time and they

pulled him into the dissolving partnership to help form a new firm, G & R Engineering Company, which was to be a machine shop. In addition to taking David and Ruth's savings, the new enterprise also took David's skill and knowledge as a machinist to get it under way.

G & R soon proved to be undercapitalized, especially when Goldstein said he wanted out and his investment back. Julius and the Greenglass boys turned to a small-scale speculator and East Side matzoh manufacturer named David Schein and got \$15,000 in return for a major interest in the shop, which was again reorganized under a new name—the Pitt Machine Products Company Inc. There was no room for machine tools in the Greenglass sewing machine shop, so Julius rented a store at 200 East 2nd Street, later moving to a larger building at 370 East Houston Street directly adjoining a synagogue—a fact which forced him to close the shop on Saturdays.

Julius' plan was that he and Bernard would bring in the business, while David supervised the shop. Julius hinted that he expected to get contracts from the Soviet Union by way of Amtorg, the Russian commercial trading office in New York.

On the surface, the plan had a chance. David was a more than competent machinist and Bernard was an able salesman. They even hired apprentice machinists under the GI Bill to save on salaries. But Bernard soon saw that it would never work and he got out. This left Julius and David to argue over who was to blame for the lack of success.

David and Ruth had sunk all their savings into the shop and constantly had to borrow from Julius personally to make ends meet. David said that Julius wasn't bringing in any business. Julius said David was a rotten machinist and that too many of the jobs he did get were rejected. David began going home to lunch, taking longer and longer, often running errands for his wife. Julius began blaming Ruth for the breakdown in the company morale and David threatened to punch him in the nose. Alarmed, Julius said no more. Soon afterward David withdrew from the business, selling his interest to Julius for \$1,000. Julius never paid him.

The Rosenbergs saw little of the Greenglasses after that; in fact, the Rosenbergs saw little of anybody. Their friends thought of them with a measure of sadness, picturing the high-strung couple struggling to extract a livelihood from a dying business and to cope with the mounting problems caused by two emotionally disturbed children. Then in the summer of 1950, the Rosenbergs were catapulted from ghetto obscurity to international notoriety when they were arrested by the Federal Bureau of Investigation on a federal grand jury indictment accusing them of being the masterminds of a Soviet espionage network.

5. Too Many Traitors

*When our actions do not
Our fears do make us Traitors.*

—WILLIAM SHAKESPEARE
(MACBETH, *Act IV, Scene 2*)

ON June 25, 1950, troops under the Communist regime of the provinces of North Korea invaded the Republic of South Korea. The news came to most Americans as justification for four postwar years of leaden anxiety about the Soviet Union toward which they now felt only fear and its common corollary, hatred (in addition to a sheepish regret that the vicissitudes of World War II had thrust the two countries together in a warm alliance).

Americans were, at the same time, alarmed over the spectacles created by the House Committee on Un-American Activities to which, because they were committed in the sacred cause of preserving the nation, nobody could be totally indifferent. Nor could anyone safely guess at what point popular sentiment was divided. Some Americans thought the Committee was the only way to protect the common security; that it was time to recognize that Communism was not politics, but a criminal movement; that the moonstruck radical of the depression era may well have become a traitor, and it was better to destroy a few doubtful ones than to allow a real one to survive.

All other Americans saw in this approach the seeds of self-destruction, with the encroaching abridgement of our most cherished, even our most abstract freedoms—the reckless public

pillorying of reputations good and bad, and the often incredible impulse to confuse suspicion with guilt. Public opinion—or the fear of it—pulverized more lives than the grinding wheels of justice.

Yet, by the summer of 1950, the legal—and, one assumes, the just—conviction of an array of Communist spies and traitors of varying importance was an indication if not an index of serious national trouble. Ironically, their punishment did nothing to mitigate the climate of fear that misted all our thoughts. Some of us were afraid the evidence of deep-rooted treason was the harbinger of the holocaust, the rest of us were afraid that our fear would drive us to burning witches. A few voices were raised in pleas for dispassion, but who heard them? Exposure of evil soon gathers an irresistible and unselective momentum. We called it a spy scare and we were scared. It reached a kind of zenith with a man named Harry Gold, the Swiss-born son of a Russian-Jewish cabinetmaker who emigrated to the United States three years after Harry was born and settled in the slums of Philadelphia. The boy was frail and Jewish and therefore despised by the neighborhood urchins who branded him a sissy and named him “Goldie.” Harry was withdrawn and bookish. He applied himself ferociously to his studies and retained throughout his life a pathologic attachment to his mother. By working day and night, he put himself through Xavier College in Cincinnati and in 1940 obtained a B.S. degree in chemistry. He was then thirty years old.

During his struggle for an education, Gold had worked for a soap company in Jersey City where he became involved with a homosexual and notorious Communist majordomo named Tom Black. Black worked on Gold's supersensitivity to anti-Semitism and ultimately coerced him into running errands for Party officials who, with time, cajolery, praise, and an occasional payment, developed Gold into an espionage courier. Gold had virtually no political awareness and couldn't get involved in the class war except on the most primitive emotional level, which was the only explanation for his long tenure with an organization he never actually joined.

Gold became involved in 1947 with a pair of underground agents who had him do some chemical studies for Amtorg. This brought Gold under the surveillance of the FBI.

The extent to which the FBI had then penetrated the Communist underground has never been revealed, except in somewhat self-conscious and vastly general terms in the popular writings of the agency's director, J. Edgar Hoover.

But it is a fact that when the British uncovered the Russian spy career of their leading wartime nuclear physicist, Dr. Klaus Fuchs, they were acting on information supplied them by the FBI which knew, among other things, that the man who had delivered Fuchs' atomic secrets to the Russians was the obscure, introverted Philadelphia chemist, Harry Gold.

Gold was arrested at almost the same time that Fuchs, after a bizarre soul-searching confession and a plea of guilty, was sentenced to 14 years' imprisonment, the maximum allowed under the penalties specified in the British Official Secrets Act.

A pair of FBI agents, Hugh Clegg and Robert Lamphere, armed with some clandestine movies they had taken of Gold, went to Brixton Prison and besought a self-tortured Fuchs to identify Gold as his Soviet contact in America during the period when he had been a member of the British team of scientists working on development of the atomic bomb at Los Alamos.

A piteous picture of remorse, Fuchs was only interested in redeeming himself in the eyes of his fellow scientists and could not have cared less about assisting the FBI. He grudgingly consented to be interviewed and Clegg and Lamphere spent several days trying to coax from him some specifics.

In the Philadelphia offices of the FBI, meantime, Harry Gold was being subjected to the kind of profound interrogation customarily applied to suspects who know less about themselves than their accusers do. Gold was asked about trips and meetings and incidents that he himself had forgotten. It had the effect of encircling the suspect in a bewildering omniscience and Gold broke under it.

"I am the man to whom Klaus Fuchs gave his information,"

Harry Gold said, at last, and Fuchs confirmed it two days later, on May 25, 1950. He did it wearily, with testy and impatient resignation, and there were some misgivings that Fuchs might have identified anybody just to get rid of his interrogators.

There is no indication as to what precise extent Gold may have further enriched the FBI files on Soviet espionage, for he pleaded guilty and was sentenced without a trial to 30 years' imprisonment.

Federal Judge James P. McGranery, before sentencing Gold, asked the U.S. Attorney's office for sufficient evidence to satisfy him that Gold was, indeed, guilty.

The U.S. Attorney's office declined to do so publicly "for security reasons," but apparently resolved the judge's doubts in private. Gold had no objections. His attorney, John D. M. Hamilton, former chairman of the Republican National Committee, said Gold would accept "any statement of the crime . . . without supporting evidence."

Gold gave the FBI enough information to make possible the prosecution of several lesser figures in the Communist underground, but his most electric revelation was that during one of his trips to Santa Fe to collect data from Dr. Fuchs in 1945, he also visited and obtained from an Army sergeant named David Greenglass 25 pages of notes and several sketches describing the design of the implosion lens which made possible the improved Nagasaki-type atomic bomb.

2.

THE Federal Bureau of Investigation, which had never been anything more than an evidence-gathering arm for the U.S. Department of Justice, acquired its unprecedented investigating authority in American life sometime immediately after World War II when the nation finally was forced to abandon the notion that it could conduct affairs with the Soviet Union with reason and trust.

In an attitude close to stunned amazement, Americans watched Russia consolidate all of central Europe upon which—as well as on its own people—it had fastened devices of imperialism, a Nazi master-race kind of dogma and other bygone terrors we all thought had been drained down the tubes of history.

The 1948 betrayal of Czechoslovakia and the cataclysmic suicide of Jan Masaryk was the last convulsion of most hopes, shaking all but the most blindly tenacious fellow traveler from the folds of Soviet friendship. Republican Congressmen who had hamstrung passage of the European Recovery Program by calling it “operation rathole” reversed their ground with lightning rationales. Appropriations to the House Un-American Activities Committee flowed freely and the Republican rallying-cry during the 1948 Presidential election was that the Truman Administration, if not riddled with Communists in key places, was criminally soft toward Communism. All the Democrats had for rebuttal was inflation, for which they blamed the 80th, “do-nothing” Republican Congress.

In the midst of it all, Whittaker Chambers offered Alger Hiss on the altar of national security and the FBI got an edict, whether tacit or in writing, to stay on top of the Communist conspiracy. In scrutinizing the loyalty of all government employees, it poked into the pasts of too many people, catalogued the gossip and strange confidences of their friends and neighbors and categorized them by the most tenuous associations. The FBI also let it be known that it had now penetrated deeply into the scrubby labyrinth of the Communist underground.

It was a practice of party henchmen to report dissenters and deviationists to the FBI as a technique of revenge. It was a practice which continued into the 1950's, contributing to the erosion of civil liberties which subjected the Communist Party to what it termed its greatest outrages.

It has become fashionable recently in some circles to criticize the FBI and to draw sinister analogies between its enigmatic attitudes and methods and those of secret police agencies. There is no criticism implied here; it appears rather that the FBI

simply did what it had the foresight to know would be expected of it when we finally and officially recognized that the American Communist movement, in whatever forms it might have survived the decade since its popularity, was not a political philosophy of the downtrodden but a massive arrogant conspiracy, enlisting both the poor and the rich, whose objective was the destruction of the system which permitted it to exist.

The unfortunate part of it was that by 1948 a good many Communists had stopped calling themselves Communists while in no way abandoning either their beliefs or their devotion. Identifying Communists became increasingly difficult, multiplying our anxieties and leading to distrust of all indications of dissidence, a state from which we have yet to fully recover.

As Alistair Cooke noted in his book on the Hiss case, *A Generation on Trial*, Americans have what amounts to a religious faith in progress and happiness, and cannot accept as a nation the fact that even when we do our best, things may go wrong. Americans immediately start looking for somebody to blame. It is a process not far removed from scapegoating. In this instance, it was an effort to measure the menace of the moment by a knowledge of a regrettable past. It was unsatisfactory, but what else was there? To those whose pasts had been indiscreet by this awkward method of assessment, it was all a witch hunt.

The FBI called on David Greenglass and his wife Ruth in February of 1950, shortly after Klaus Fuchs was arrested in London. The Greenglasses lived in a \$20-a-month tenement flat at 265 Rivington Street on the lower East Side. The agent who visited them telephoned first and Ruth and David were finishing breakfast when he arrived. He was courteous in the extreme, apologized profusely for disturbing them, and patted their three-year-old son Stephen on the head. The agent asked David if he had known Fuchs at Los Alamos. David replied that he had known Fuchs as the name of one of the British scientists, but he had never met Fuchs nor did he know with whom Fuchs had associated. The agent asked about some other scientists, including Dr. George Kisitiakowsky, the thermodynamics expert from Harvard for whom Greenglass worked as a shop

machinist, and inquired vaguely about the disappearance of uranium samples from the shops there which, he suggested, some of the personnel may have taken as souvenirs. David didn't know anything about that either and the agent departed, as pleasantly as he had come, after drinking a cup of Mrs. Greenglass' coffee.

Both David and his wife appeared highly agitated afterward, and for the first time in months David began to see Julius again. Ruth Greenglass, who was six months pregnant, compounded all their anxieties one morning by stepping too close to an open gas heater, the only source of heat in the apartment. Her nightgown caught fire and she was dangerously burned. David suffered severe burns on his hands putting out the flames. Ruth lay in critical condition in Gouveneur Hospital for several days, requiring repeated blood transfusions. At last she began to recover, although she remained in the hospital for two months, leaving her son to be cared for by David and by her younger sister, Dorothy, wife of Louis Abel.

The Greenglasses were a close couple, much more so in fact than Julius and Ethel with all their demonstrations and declarations of love. They had been neighborhood playmates since early childhood and sweethearts in their teens. Their marriage in 1942, when he was twenty and she eighteen, had seemed almost inevitable. When David was drafted in 1943, four months after their marriage, Ruth made repeated efforts to join him at various Army posts around the U.S. When David finally was assigned to Los Alamos in July of 1944, as a machinist making parts for the atomic bomb, Ruth went to Albuquerque to live. The fact was, she felt painfully adrift without him.

Alone now, and near-fatally hurt in a hospital bed, Ruth loosed her anxiety during deliriums of high fever, crying out pathetically that "David won't wait." David was summoned repeatedly to the hospital to comfort her. As soon as she began to recover, Ruth expressed wild desires to return home. She could no longer bear being separated from her husband and son, she said.

Ruth was released in April, possibly too soon, and a month

later she gave birth in Beth Israel Hospital to a daughter whom she and David named Barbara. A month later Ruth became seriously ill with an infection of her still-healing burns and was rushed to the hospital again. David worked nights machining models for the research and development laboratory of a large engineering firm and took care of Stephen and the infant girl during the day, Ruth's sister caring for them at night. Julius was a frequent visitor to the Greenglass apartment during this period and the conversations between him and David were sometimes loud and, to the quivering ears of the neighbors, they had the ring of heated arguments.

David was home alone one afternoon about 2 o'clock. He had just put Stephen to bed for a nap and was mixing the baby's formula when the doorbell rang, a commanding sort of ring which indicated to him that it was a stranger. A beakerful of formula in one hand, David crossed the apartment and opened the door. Two men stood there. They said their names were John Harrington and Leo Frutkin and they showed credentials which identified them as special agents of the Federal Bureau of Investigation. David invited them in and asked them to please be seated while he finished making the formula. One of the agents sat down, but the other edged distrustfully near the kitchen doorway.

By the time David returned to the living room, two more agents, John Lewis and William Norton, had arrived; David greeted them with an openness that must have been disconcerting. For the next five and a half hours, with David's consent but without telling him what they were after, the four agents conducted a minute search of the apartment, pausing at intervals to question David obliquely about espionage. Shortly after 7 P.M. Mrs. Abel arrived to take care of the children, and the agents asked David to accompany them to the FBI offices on the 29th floor of the U.S. Courthouse in Foley Square near the New York City Hall. They did not tell him he was under arrest and he did not ask. He seemed pleased to go.

In the FBI offices, the inquiries of the agents grew increasingly specific, interrupted with good-natured asides into the

state of David's health and whether or not he was hungry. After six hours of this, David wrote out a statement which was typed by a stenographer and then he signed it. It was the first of many such statements he was to give to the FBI, all of them amplifying his confession that for a year and a half he had worked on the innards of the atomic bomb and that in June of 1945, a month before the world's first nuclear explosion at Alamogordo, New Mexico, he had told all he knew about the device to espionage agents of the Soviet government. He had done it, he said, not for money or for devotion to a cause, but in response to the mesmeric persuasions of his sister and her husband, Julius and Ethel Rosenberg. He identified Harry Gold from a photograph as the man to whom he had given the bulk of this information. The remainder, he said, he had delivered directly to Julius and Ethel.

On the morning of June 16, 1950, the day following his confession, David Greenglass was arraigned before a U.S. commissioner on a charge of violating the U.S. Espionage Act of 1917. His bail was set at \$100,000 and he was put in solitary confinement in the Federal Detention Headquarters, an old three-story red brick building directly across from Pier 48 at the foot of West 11th Street.

In announcing his arrest and arraignment, which appeared on the front page of almost every newspaper in the nation, the Justice Department made no mention of the Rosenbergs.

But at 8 o'clock the same morning, three of the same group of agents which arrested David called on Julius and Ethel in their Knickerbocker Village apartment. Julius invited them in and then ducked into the bathroom for a hurried conference with his wife. He emerged smiling.

"I will talk to you in a few minutes," he said, explaining that he had to dress the children. The agents cooled their heels in the living room for almost half an hour, growing more restive by the moment.

When Julius returned, one of the agents suggested Julius accompany them to their office "where we can talk better."

Julius consented and the four men drove down to Foley

Square and took the elevator up to the FBI offices. They had questioned him somewhat nonspecifically about David for an hour when one of the agents said, abruptly, "Your brother-in-law says he gave secret information to Soviet Russia and that you told him to do it."

Julius shot to his feet, his mustache bristling.

"Bring him here and let him tell me that to my face!" he shouted. Unknown to him, David was at that moment asleep on a cot in an adjoining office.

"What will you do?"

"I will call him a liar to his face because that is not so. Look, gentlemen, you asked me to come down here and give you information about David Greenglass. Now you are trying to implicate me in something. I want to see a lawyer."

The agents protested, almost in a chorus, that they were not trying to implicate him, they were simply trying to clear up a serious allegation. They offered Julius a cigarette and a piece of gum. They suggested coffee be brought in and finally they suggested lunch.

Julius remained adamant. He insisted he be permitted to telephone Victor Rabinowitz, attorney for FAECT. With a heavy sigh, one of the agents looked up the number and dialed it. Rabinowitz was not there, but the man who answered said he was Rabinowitz' partner. The agent so advised Julius, who grabbed the phone and explained briefly what had happened.

"Are you under arrest?" asked the lawyer.

"I don't know," Julius answered.

"Ask them," instructed the lawyer.

"Am I under arrest?" asked Julius.

Agent Norton shook his head.

"They say no," Julius told the lawyer.

"Then leave," advised the lawyer, and Julius left, with a little bow and a smirk.

At the foot of the courthouse steps he bought a copy of the first edition of the *Post* from a newsboy. David's picture was on the front page. That was how he learned that David actually

had been arrested. He had thought at first that the FBI inquisition was a bluff, but now he could not be sure. It was highly likely that David had accused him, just as the FBI said.

3.

ON the same day that Julius learned his brother-in-law had implicated him, he began to be further enmeshed in the spy case of the century by a bizarre little melodrama of which he may have had no knowledge. It involved a man who had been a friend of Julius' for several years, a former CCNY classmate and a fellow engineer.

Morton Sobell, thirty-five years old, an electrical engineer engaged in a rocket research undertaking called "Project Cyclone" at the Reeves Instrument Co. in New York, read about the arrest of Greenglass in the afternoon papers of June 16, 1950, and the same day went to his superiors to request a leave of absence on the ground that he was dangerously tired and needed a rest. He was granted his leave.

Four days later, Sobell, his wife Helen, their year-old son, Mark, and Sydney, Mrs. Sobell's twelve-year-old daughter by a previous marriage, locked up their Flushing home and left in the family car. The following day, June 21, the car was returned to the house and locked in the garage by Edith Levitov, Mrs. Sobell's sister who lived in Arlington, Virginia.

From their home, the Sobells had driven to Idlewild Airport where they paid a total of \$687.13 for round-trip tickets and boarded an American Airlines plane for Mexico City. They had obtained Mexican tourist permits at the Mexican Consulate in New York City, but they had no passports.

When the plane stopped in Dallas, Sobell registered his cameras—a Leica with two lenses and a Bolex 8-millimeter movie camera—with U.S. Customs. The airline clerk in New York had suggested this so Sobell could avoid payment of duty when he returned to the United States.

The Sobells stayed at a total of three hotels between June 21, when they arrived in Mexico City, and June 25, when they rented an apartment at 1534 Calle Octava de Córdoba at 400 pesos (about \$35) a month. June 25, of course, was the day the Korean war began. Sobell saw the air editions of *The New York Times* on newsstands—WAR IS DECLARED BY NORTH KOREA.

Sobell had forgotten to let his close friends and family in New York know he had arrived safely, so he penned a quick note to one William Danziger, an old friend and fellow classmate at CCNY.

"Dear Bill: Had a nice trip, held kid in my lap all the way, and located a place to stay. Please forward the enclosures and I will explain to you when I get back." The enclosures were letters to Mrs. Sobell's sister, Edith Levitov, and to Sobell's father, Louis, a Bronx pharmacist. None of these letters carried any return address. On the envelope addressed to Danziger, however, the return identification was that of "M. Sowell," at a Mexico City hotel. Danziger said later he was puzzled at Morty using an alias, even such a thin one, and at being asked to mail letters Sobell could just as easily have mailed himself. If he was afraid somebody was watching his friends' and relatives' mail, it would be watched regardless of its origin. Danziger mailed the one letter to Miss Levitov and delivered the other one to the elder Sobell's home.

A week later, Danziger got another note from Morty. This one bore the return identification "Morty Levitov," at Sobell's new apartment address. The note said, "I am having a nice time. Moved from one place to another. Please mail the enclosure and I will explain when I get back." The enclosure was another letter to Miss Levitov at Arlington. Danziger mailed it, more puzzled than ever.

Whatever Sobell's motives in using such unimaginative aliases, they served no purpose for which an alias is generally adopted. Sobell's identity was clearly established from the moment he arrived in town and everywhere he went he was followed by agents of the Dirección Federal de Seguridad (the

Mexican secret police) who later filed a full report with the Federal Bureau of Investigation.

Sobell wandered aimlessly around the city, as though he were looking for someone. Once, he went into a travel agency and inquired of the fare by ship, one-way, from Vera Cruz to Havana. He was thinking of flying home from Havana, he said, since there was very little difference in the fare. Several times he could be seen sight-seeing with his family, and they all became exceedingly friendly with a man who lived in the next-door apartment, an interior decorator named Manuel Giner de los Rios, who was of special interest to Sobell because he professed to be a political exile from Franco's Spain. Sobell entrusted de los Rios with an astonishing amount of personal confidences, for a total stranger, even to the point of saying that he had left the United States to escape the "inquisitions, purges and political prosecutions" which he attributed to the Cold War. Now that there was actually a war on, Sobell said, he saw in it a parallel to Spain as the overture to the next great war, and he was sure de los Rios would understand that. Now the war was against Communism, a brush that had tarred a good many people in the immediate past and he, Sobell, was a known liberal. He was confident that his loyalty would be challenged either openly or indirectly by various persecutions. Furthermore, he was a Jew and that was another strike against him. He felt exactly like a political refugee. Surely, Señor de los Rios would understand.

On July 18, Sobell picked up his daily copy of *The New York Times* and there on the front page was the flowering of all his fears.

The Federal Bureau of Investigation today arrested Julius Rosenberg, 32 years old, a New Yorker, on charges of spying for Russia. . . .

Julius had been arrested in his apartment at 8:30 at night, the story said, handcuffed and led off by 12 FBI agents to an arraignment before Federal Judge John F. X. McGohey in the

Federal Courthouse at Foley Square. Bail was set at the unobtainable sum of \$100,000.

Julius had been arrested, according to a joint announcement by FBI Director J. Edgar Hoover and U.S. Attorney General J. Howard McGrath, on the accusations of his brother-in-law David Greenglass.

Despite all his confidences to de los Rios, Sobell did not convey this new alarm. Nor did he reveal to his neighbor the fact of his membership in the Communist Party from 1939 to 1943 when he was employed by the Naval Bureau of Ordnance in Washington.

He did tell de los Rios, and it was true, that he had wanted to come to Mexico much sooner but that he had been involved in the development of a radar computer and did not want to leave the job until it was finished. Another compelling motive for leaving his country, he implied, was to avoid the possibility of military service in Korea. "I'd already had one horrible war experience," he whispered. The fact was that he had spent World War II as a civilian with a 4-F draft classification.

Assuming he had a sympathetic ear in the dashing decorator (a fellow fighter against Fascism), Sobell ventured the opinion that Rosenberg's arrest, and all the other harassment of liberals, was politically motivated. The Truman Administration, he pointed out, anxious to clear its skirts of the radical mud into which it had wallowed for a decade, was taking the initiative by silencing political dissent in the United States. At one point, Sobell voiced the fear that a dictatorship was taking over his native land.

There were a number of Americans in Mexico City at the time, all self-proclaimed political fugitives. They included film writers and educators who had jousting with the House Un-American Activities Committee, or who expected to be summoned before it. Federal prosecutions under the Smith Act had begun and anybody who had been in a position of Communist Party leadership could expect, if arrested, to be convicted. There was no doubt that America was relieving its frustrated fury over the Cold War in the tangible prosecution of Com-

munists at home. The Smith Act, after all, had been in force for nine years and the evidence—the defendants' devotions to Marxism-Leninism—had been available all that time.

Whatever Sobell's actual role in the Communist movement, the fact that he had been a part of it would have been sufficient at the time to drive him to extremes which would later appear as marks of heavy guilt, and immediately as symptoms of hysteria.

Sobell cashed in the family's return airline tickets and fluttered around Mexico City like a homeless pigeon until the last week in July when, leaving his family behind in the city, he took a plane to the port of Vera Cruz. It was blisteringly hot when he arrived and he dragged himself to the Grand Hotel Diligencias and registered under the name "Morris Sand." His passion for aliases was growing stronger, but still he showed no imagination.

He remained a week in Vera Cruz, calling with tedious regularity at every steamship office and travel agency in town, and buttonholing ships' pursers and officers, asking about sailing dates, accommodations and fares to a variety of places, all of them out of reach because he had no passport. Even if he bribed some ship's captain to take him, which was possible since Vera Cruz was a port of call for ships of furtive registry, it would be all but impossible for him to land anywhere. Further, few passenger ships called at Vera Cruz and there was very little space available on freighters. He was advised to try at Tampico, 660 miles north on the Gulf.

He flew out on a Sunday, July 30, under the name "M. Sand." Before he left, he went to an optician and purchased a pair of prescription-ground sunglasses, using the same name on the order.

Tampico was even hotter than Vera Cruz and Sobell spent three days there, with no luck at all. After the same fruitless rounds of travel and steamship offices, he decided to return to Mexico City. He had registered at the hotel in Tampico under the name "Marvin Salt" and when he reserved his plane ticket to Mexico City, he used a variation, "Morton Salt."

In the meantime, he wrote to his wife that he was returning, that the trip had been "a wild-goose chase." But instead of writing her directly, he addressed the envelope to Señor de los Rios. He had told the decorator he might do this, explaining vaguely that one couldn't be too careful. But if he was afraid his incoming mail at home was being watched, then why wouldn't this surveillance apply to him wherever he was? Surely he did not think his threadbare aliases were any concealment. And his trust in de los Rios is somewhat amazing for a fugitive, even a self designated one.

Still, the spirit of intrigue and conspiracy was in the air. So many employees at the famed Hotel Reforma, for instance, were working as tipsters for columnists, the police and the DFS, that the establishment was widely known in more sophisticated political circles as the "Hotel Informer."

Back in Mexico City, Sobell told his wife that he had decided to return home. To all outward appearances he abandoned his frantic peregrinations about town and settled down to a leisurely tourist existence with his family. The rent on their apartment was paid through the month of August and Mrs. Sobell's daughter did not have to be back in school until after Labor Day.

On August 3, the day after Sobell returned to Mexico City, an FBI agent named Rex I. Shroder went before a U.S. Commissioner in New York and swore out a complaint charging Sobell with conspiracy to commit espionage as an accomplice of Julius Rosenberg. A warrant was issued for his arrest.

Two weeks later, on the rainy night of August 16, Sobell and his wife had put the baby to bed and were lingering over their after-dinner coffee. Sydney, Mrs. Sobell's daughter, was sitting with them. Suddenly the lights went out, as they often do in Mexico City during a storm, and Sobell lighted some candles. Several minutes later there was a knock at the door. Sydney started to answer it but had taken only a few steps when the door was forced open and three men, revolvers in their hands, rushed into the room. The men were Mexicans, dressed in

civilian clothes and wearing snap-brim hats pulled low like detectives in an old B movie.

Sobell, openmouthed, started to stand but one of the men grabbed him, dragged him across the room and flung him down on a sofa.

"What's this?" cried Sobell.

"You're Johnny Jones and you robbed the bank in Acapulco of fifteen thousand dollars," one of the men replied.

Sobell thought it was some kind of joke. Then something told him it wasn't a joke.

"That's absurd," he said. "Let me call the American Embassy." He started to rise and was pushed back down. Then a fourth man entered and showed Mrs. Sobell a badge.

"We're police," he said.

Abruptly, the three men grabbed Sobell and started for the door. Sobell began to struggle and the fourth man came to their assistance. Together, they carried the squirming, twisting Sobell down three flights of stairs to the street and a waiting taxi.

Mrs. Sobell followed while Sydney remained in the apartment. Halfway down, Sobell began shouting, "Help! Police!"

He was still screaming when they reached the taxi and one of the men slugged Sobell on the side of the head with a pistol butt.

Mrs. Sobell reached the taxi and began to struggle to free her husband. One of the men grabbed her arms from behind and she leaned down and bit his hand. He howled in pain, but managed to throw her to the rain-slick sidewalk. A knot of passersby had gathered and, in the infuriating tradition of bystanders, they only stared in wonderment while the taxi containing Sobell and the three detectives roared off. A second taxi rolled up immediately and the remaining detective forced Mrs. Sobell into it.

Sobell was stretched out on the floor of the first cab, the feet of the three men holding him down. When he tried to rise, he was slugged into unconsciousness by blackjacks. When the two taxis reached what was apparently a police station, Sobell, who had regained consciousness, was told to walk inside, that if he

made any attempt to escape he would be shot. Inside, he was led to a corridor on the second floor where he was seated on a bench flanked by two guards. Mrs. Sobell was brought in and placed in a room at the far end of the corridor.

Sobell turned to one of his guards. "What's this all about?"

The guard slapped him across the face.

He called out to his wife, "Helen, take it easy."

The guard slapped him again. Sobell said it was then that he noticed his head, face and shirt were spattered with blood.

An hour later, during which neither Sobell nor his wife were questioned or even addressed, except for an offer of food which they refused, Sydney was brought in with the infant in her arms. She had brought a warm bottle and was feeding it. And soon after that, other detectives appeared with armloads of the Sobells' belongings, including money and identification papers which they had obtained from the apartment wall safe, and at 4 A.M. the Sobell family was taken outside. Sobell was placed in one car, with two guards, and Mrs. Sobell and the two children in a second car with three guards.

At least 10 other cars rolled up in line and the caravan roared out of Mexico City at 70 and 80 miles an hour. It is 800 miles from Mexico City to the Texas border town of Laredo and Sobell reached it just 20 hours later. He and his family were deposited in the middle of the bridge that spans the Rio Grande where they were taken into custody by Rex I. Shroder and three other FBI agents.

After a routine clearance through U.S. Customs, where an immigration inspector wrote *Deported from Mexico* across the bottom of Sobell's entry manifest, Sobell was handcuffed and taken to the Laredo jail. Mrs. Sobell was informed that she was free to go.

The Mexican Immigration Service was outraged that Sobell had not been submitted for their customs inspections and for several days there was an angry flow of memoranda from immigration officials to the Consular Service and the Mexican police, who seemed to know nothing at all about the episode.

In time, however, the records of Mexican officialdom came to

contain the mysterious notation that Morton Sobell had been deported from the country as an undesirable alien. And the matter was forgotten.

4.

WHEN Julius Rosenberg left FBI headquarters on the early afternoon of June 17 and found David Greenglass' picture on the front pages of the afternoon papers, he went directly to the law offices of Victor Rabinowitz, who had rescued him by telephone from his interrogators. Julius outlined his plight and the events of the day and Rabinowitz saw at once it was no ordinary case of a Communist in trouble with federal law. He suggested the name of another attorney, Emanuel Hirsch Bloch, and tried to reach him by telephone. Bloch was out for the afternoon and was not expected back; if it was an emergency, he could be reached at his home in the evening.

"It is an emergency," said Rabinowitz. He obtained Bloch's home phone number and gave it to Julius.

Emanuel Bloch was a portly, forceful forty-seven-year-old lawyer who, in partnership with his father, Alexander Bloch, conducted a brisk and moderately profitable general law practice from an office at 270 Broadway. His clientele was heavy with noted Communists, Steve Nelson and Marion Bachrach among them, and Bloch knew his way around the federal courts. He was a somewhat intemperate man, but his courtroom wrath had often worked to his advantage and his reputation among radicals was that Manny Bloch was a good lawyer if you were in serious trouble.

Julius waited until almost 8 P.M. before phoning Bloch at his apartment on 16th Street off lower Fifth Avenue and he found his urgency displaced by embarrassment when Bloch told him that he was in the midst of entertaining dinner guests. Julius was on the verge of hanging up apologetically when Bloch inquired as to the nature of his troubles. He listened briefly and

then agreed to meet Julius an hour later, suggesting the entrance to the subway at Sixth Avenue and 8th Street as a meeting place.

Julius arrived early, pacing restively up and down, and Bloch had no trouble spotting him. Since it was a hot night, they decided to discuss the matter while strolling around Washington Square just two blocks away. When Bloch had heard it all, he advised Julius not to worry, that "he was in the same boat with hundreds of other people these days," and that if he were summoned before a grand jury, which was Bloch's estimation of the worst that could happen, Julius was to stand on his Constitutional rights. In other words, he was to plead the Fifth Amendment.

This route, said Bloch, appeared to offer the least hazards. If Julius denied Communist Party membership, a grand jury could possibly make out a perjury case. If he admitted he was a Communist, that would be opening up a can of disagreeable worms. The espionage business Bloch discounted as a bluff. Hundreds or even thousands of radicals, present and former, were being hounded these days and Julius would have to ride out the storm. It might well blow over in a few weeks, Bloch suggested. But if Julius was subpoenaed, he was to notify Bloch immediately.

Bloch said later he described the matter to his father as "just another Fifth Amendment case," and he dismissed Rosenberg as "a soft, sweet intellectual sort of fellow."

Julius, vastly relieved, went home and told Ethel not to worry, that everything would work out all right. It was exactly a month before he was arrested, and in that month he found mounting cause for alarm.

Greenglass had been identified publicly by the FBI as the man who gave Harry Gold the plans for the Nagasaki-type atomic bomb. No mention was made, in any of the FBI press releases, of Rosenberg; there was only the recurring intimations by the Justice Department that Greenglass' arrest had carried the search for spies into new and fruitful territory.

Julius and Ethel called several times on Ruth Greenglass,

who loudly proclaimed David's innocence and vowed they would fight the case. She was disdainful of Julius' offers of money or whatever help he could provide, and she was openly hostile to Ethel.

"David is innocent and I am innocent," she shouted on one occasion. "We have a good lawyer and we are going to fight this case in our own way."

Julius learned that Ruth was making frequent visits to the FBI and that David was in conference with them almost daily. Worse, the lawyer David had retained was an acute source of apprehension for Julius. His name was O. John Rogge, an able barrister who had broken some years before with the Communist cause on assorted ideological grounds. Later, whatever vestige of his liberal reputation which might have remained was obliterated by his cooperation with Senator McCarthy's committee. At the moment, he was a turncoat ex-progressive and that was enough to give Julius the willies. It looked as though Greenglass had potent allies. Could he be trying to drag Julius into the shadow of the electric chair? In the dozens of newspaper stories which appeared on Greenglass' arrest, his arraignment, his failure to make bail, his selection of an attorney, his life in the Federal House of Detention, few of them failed to mention that Greenglass, if convicted, could be executed. No civil court had ever sentenced an American to death for espionage before, but it was written into the law—the 1917 Espionage Act, or more properly, Section 32, Title 50, U.S. Code.

Greenglass was indicted for espionage on July 6 by a grand jury in Sante Fe, New Mexico, on the testimony of a team of FBI agents flown there for that purpose. The U.S. Attorney's Office in New York announced immediately that Greenglass would be sent to New Mexico for trial, a maneuver which clearly became a threat to Greenglass who knew from his war-time experiences that the people of New Mexico did not have an open mind toward New York Jews.

They came for Julius at 8:30 P.M. on July 17. He and Ethel were just putting the boys to bed when that old familiar, authoritative knock came at the door. Julius answered it, and

seeing Norton and Harrington, two of the FBI agents who had questioned him before, he invited them in. As they stepped into the room, 10 more agents materialized from the hallway and flooded through to search the apartment while Norton snapped handcuffs on Julius. Then, as suddenly as they had entered, they departed. Ethel ran next door and persuaded a neighbor woman to watch the children while she went to telephone Bloch. She didn't want the two boys to know what was happening.

Bloch reached the federal courtroom moments after Julius. Reporters and photographers were still clustered in the hallway and on the Federal Courthouse steps, obviously alerted in advance. (Law enforcement agencies often tip off the press when they break a big case.)

Bloch argued that setting a bail of \$100,000 on a man of Julius' limited means and resources was tantamount to no bail at all. The Assistant U.S. Attorney who opposed him argued that Julius had the world-wide resources of the Communist movement behind him, that he faced a capital offense and that if admitted to bail he would, in all likelihood, jump it. Judge McGohey agreed.

Julius was taken to the Federal House of Detention and as he arrived, David Greenglass was transferred to a cell in the City Prison. They passed each other in the prisoners' waiting room but did not exchange so much as a glance.

Ethel was left alone, trying to cope with two hysterical boys to whom she could not explain their father's disappearance which both of them had witnessed. Her days were spent parrying a relentless siege of questions, especially from Michael, all beginning with the word "why." She was also saddled with the machine shop which, despite its troubles, was still in business. But the day after Julius was arrested, Dun and Bradstreet notified its subscribers that the shop should receive no more credit. In addition, several of its accounts were outstanding and Ethel tried with small success to wring money from them. She also notified the shop's three employees that the end was in sight.

Ethel discovered, too, that her telephone no longer rang.

Friends of several years' standing avoided her, not because they no longer were her friends but because they didn't want to become involved in a spy case, one of them confided when they happened to meet on the street. Confident that her phone was tapped (it was not), Ethel refrained from calling anyone. Dozens of her friends and acquaintances were being visited by the FBI.

On August 6, Ethel was served with a summons to appear before the federal grand jury the following day. She put on a powder blue dress with white polka dots and a flat straw hat. She looked cool, neat and fussy. The children she left in the care of the neighbor who had watched them the night of Julius' arrest. She arrived at the grand jury chambers in the Foley Square Courthouse at 9:30 in the morning, half an hour early. She had conferred with Bloch and his father the previous afternoon and had resolved that whatever line of inquiry the hearing took, she would not be caught.

Her inquisitor was Myles J. Lane, the dapper and composed young chief assistant to U.S. Attorney Irving Saypol. For almost an hour, Lane rummaged with a quiet voice in the more arid areas of Ethel's background—her schooling, her family, her jobs, her music—all the time inching toward the sensitive oases. His first such question was this:

"Did you ever sign a Communist Party nominating petition for elective office?"

• The signatures of Ethel and Julius, along with some 50,000 other New Yorkers, had appeared on a 1941 nominating petition on behalf of a Brooklyn Communist Party candidate for city council named Peter Cacchione, one of two Communists actually voted into New York's municipal government in the 1940's. Cacchione was elected by a plurality of 50,000 votes. Benjamin Davis, Jr., an old Party functionary, was elected in Manhattan in 1943.

"Yes," said Ethel, "I did sign a Communist Party petition."

For the rest of Lane's questions, Ethel immersed herself in the Fifth Amendment. Her reasoning was the same as that of Julius. If she denied everything, she felt it conceivable she could be "framed" on a perjury charge in view of her openly

radical background. However, Lane's questions were somewhat more specific than that.

"Do you know whether or not your husband is or was in any way affiliated with the Soviet Union?"

"I decline to answer. . . ."

"Did you ever hear David Greenglass discuss his work in connection with the atom bomb or nuclear fission?"

"I decline to answer. . . ."

"Have you ever met Harry Gold?"

"I decline to answer. . . ."

"Were you present when David Greenglass gave information to your husband . . . obtained from Los Alamos?"

"I decline to answer. . . ."

And finally, "Is there anything else you want to tell us about this entire matter?"

"No."

To reporters who sought her out, hoping for some more substantial facts, Ethel issued only heated denials of everything.

"Neither my husband nor I have ever been Communists," she declared, "and we don't know any Communists. The whole thing is fantastic. It's a lot of lies. My brother is innocent and so is my husband."

But bit by bit, the Justice Department fed the details of its case to the press. David had stolen essential secrets of the atomic bomb while working at Los Alamos, but only because he had been mesmerized into doing it by his brother-in-law, his older brother-in-law, whom he had always venerated. This thesis drove Ethel to alter her attitude.

"David never liked Julius," she told reporters, few of whom took her seriously. "He was jealous of him. It was David's fault the machine shop failed and he tried to blame Julius for it."

On August 12, Ethel was summoned again before the grand jury. She wore the same blue and white polka dot dress, she left her sons with the same neighbor, saying she wouldn't be gone long this time, and she affected a truculent air when she took the witness chair. She was more composed than before, but Ethel achieved this composure over burgeoning uneasiness. She

could not understand why she had been summoned again, unless it was to attempt to unnerve her. The questions were much the same, and so were her answers.

When she left the jury chambers at 1:15 P.M., and started down the courthouse steps, the reason for her second summons became clear. She was barely halfway down the long flight of stairs to the sidewalk when she was suddenly flanked by two FBI agents.

"You'll have to come with us," said one, "you're under arrest."

Ethel froze. "Have you a warrant?" she asked.

"It's being issued now," the agent answered, and they took her to their office on the 29th floor of the courthouse.

The FBI permitted her to make two phone calls—one to Emanuel Bloch, who was out of town so she talked to his father, Alexander; and one to her neighbor, to explain to her sons that she would not be home.

"Don't be alarmed," she began, "and don't frighten the boys." When she had finished telling what had happened, she asked to speak to Michael.

"Michael, do you remember what happened to Daddy? Well, dear . . ."

That was as far as she got. The seven-year-old boy's mind was swamped after living under an air of horrible apprehension his mother could not conceal, and he let go one long agonized scream and dropped the phone.

Later that night, Mrs. Tessie Greenglass, Ethel's mother, took Michael and three-year-old Robert to her \$20-a-month flat behind the sewing machine repair shop of her late husband.

When the elder Bloch arrived at the courthouse, Ethel was taken before the U.S. Commissioner and arraigned on a charge of conspiracy to commit espionage, a charge now identical with the one against her husband. Specifically, the complaint filed by the FBI alleged that she had "assisted her husband, Julius, and others in recruiting her brother, David Greenglass, to obtain secret information concerning the atomic bomb for the Soviet Union." And, like Julius, her bail was set at \$100,000 over

Bloch's heated protests. Ethel was taken immediately to the 13-story, orange brick Women's House of Detention, the city prison for women at Sixth Avenue and Greenwich Avenue, and lodged in a cell on the 9th floor.

Tessie Greenglass found herself ill-equipped to take care of two disturbed boys. They slept with her in a sagging double bed and awakened her constantly with nightmares. They had trouble going to sleep anyway that summer because the older children in the slum neighborhood stayed out playing noisily until midnight and even later.

Arrangements were finally made for Michael to attend summer school during the day, which left Robert alone to play listlessly on the sidewalk in front of the tenement, while waiting, as he told everyone who passed, "for my Mommie to come home."

Michael was subject to tantrums which Mrs. Greenglass, now sixty-eight, could not control.

"I can't take care of you," she would tell them, "I'm too old and I'm not well."

Her second son, Bernard, who had gone to work for a silk company after leaving the machine shop, phoned one day to say that his wife, Gladys, long ill with Hodgkin's disease, appeared to be dying and that someone would have to take care of Sharon, his two-year-old daughter.

It was too much for Mrs. Greenglass. "I can't even do what I'm trying to do now," she cried.

"Take it easy," said Bernie.

"Take it easy! How can I take it easy? I can't do nothing. I'm killed. Somebody should be taking care of me."

At the root of her despair was money trouble. Of all her children, only Samuel, the jewelry salesman, was able to contribute to her support. Her sister, Regina Feit, a veteran garment worker who lived on the third floor above her, paid her \$10 a week to fix supper for her.

"I get what falls from my sister's chin," said Mrs. Greenglass. Finally she abandoned her lifetime of resolve and independence and applied to the City Welfare Department for aid.

Ruth Greenglass, despite her daily visits to David, her conferences with the FBI and her numerous appearances before the grand jury where she talked without restraint, became increasingly friendly with her husband's mother. They had a great deal in common. Together, they owned David.

5.

AS soon as the FBI linked Greenglass to Rosenberg, it set about linking Rosenberg to whomever else it could lay an accusation on. It began by visiting as many of Rosenberg's fellow CCNY alumnae as it could find. On July 20, three days after Rosenberg was jailed, agents visited Max Elitcher in his laboratory at the Reeves Instrument Company. The FBI was also interested in Elitcher because of his long and intimate friendship with Morton Sobell.

To insure Elitcher's cooperation, the FBI had obtained from Naval Intelligence a copy of a non-Communist affidavit ("I am not now nor have I ever been a member of the Communist Party") which Elitcher had signed while working with Sobell for the Bureau of Naval Ordnance in Washington. Elitcher had signed the affidavit in 1947, at a time when he was leader of a Washington cell, thus making himself eligible for prosecution on perjury charges. Elitcher had signed the oath, along with hundreds of other Communists employed by government agencies, in accord with Party directives. It probably seemed the lesser of two evils; to refuse to sign it would have meant that a great many Communists would have been removed from key jobs for which they had long worked and conspired. By signing the loyalty oaths, some would doubtless be caught, but there was a good chance enough would survive.

By 1947, large segments of the Party had begun to go underground and many of the faithful were not on record as being Party members. Unfortunately, Elitcher was not one of these, and he knew within a year after signing the affidavit that he would be caught because friends and members of his family

had been interviewed by either Naval Intelligence or the FBI. That it took the FBI three years to come calling on Elitcher personally, and that he was still available, is a testimony to his endurance, for he lived with fear all the time.

Elitcher chatted with the two agents for a few minutes and then consented to accompany them to that busy 29th-floor office in the Federal Courthouse at Foley Square. He stayed there the remainder of the day, for slightly more than three hours, and then the two agents drove him home to Flushing where they talked for eight more hours. The next day, which was Friday, the agents came to Elitcher's laboratory again and they talked for another two hours.

Elitcher said later that he gave them a formal, signed statement on each of those two days, and about six months later he signed a third statement which contained everything he had failed to mention in the first two. In the meantime, he had retained as attorney O. John Rogge, the apostate liberal who was also Greenglass' lawyer.

In any case, it was his signed statements that provided the basis for the secret warrant issued on August 3 for the arrest of Morton Sobell. Elitcher returned to his job at Reeves Instrument after the FBI explained the affair to his superiors and assured them there was no harm in keeping Elitcher on the payroll—at least for the time being.

But these were secret matters, and readers of newspapers would not know about them for several months. In fact, until Elitcher took the witness stand in the trial of Sobell and the Rosenbergs, nobody had ever heard his name. But that was also true of all these names which, once launched into the headlines by the Justice Department, became popular symbols, not so much of betrayal as of a repugnant and turgid reality that was easier to condemn as moral transgression than to understand as a historic phenomenon.

In their total over the years, the number of Americans who had actually embraced Communism was a small percentage of the adult population. Perhaps a larger number had allied themselves with it during the economic frights of the depres-

sion, believing in their genuine despair that the Soviet Union had accomplished with a ruthless kind of efficiency a substantial measure of the social justice that all humanitarians and liberals longed for. But the plain truth was that very few Americans knew anything about Communism or about Russia, or wanted to know, however thin national pride may have been in the lean and frantic 1930's. The fellow traveler could quote Marx, and Engels, and Lenin, and perhaps even Trotsky, but this was only an act of hope and a gesture of faith, not critical acceptance.

In 1950, the United States had scarcely recovered from modern history's worst war. How was it possible that in five short years the security for which thousands of Americans gave their lives could be destroyed by perversely arbitrary forces? Another plain truth was that Americans didn't want to hear about the traitors in our midst unless we could take it in remote plots as adventurous entertainment. When it came to assaying the danger they posed to the security of the country, we had to abdicate our notions to the pronouncements of the professionals.

Perhaps no other law enforcement agency in this or any other country has ever enjoyed the respect and trust with which we regard the FBI. The heroic enterprises of its agents during the age of racketeering had become a vast body of legend which, for our own peace of mind if for no other reason, nobody wanted to challenge.

We lived and fought with Russia, in the openhearted (and expeditious) camaraderie of the second World War, and we tried tolerantly to give Stalin second thoughts when he was gobbling up eastern and central Europe by methods which once went under the name of greedy imperialism. And there were other disquieting nags—the intense security which the Soviet Union applied to virtually all its internal affairs, the infuriatingly labyrinthine rhetoric of Soviet delegates in United Nations debates, especially those in 1947 concerning the international control of atomic energy.

Americans, in general, appeared to derive a comfort from the

pioneering U.S. development of nuclear fission and the largely uncontested assumption that we had corralled its essential secrets. Comfort withered after the defection in Ottawa of the Soviet Embassy code clerk Igor Gouzenko and the subsequent exposure of Canada's Soviet spy ring. Then in 1949, Russia detonated its own atomic bomb and we knew we had been joined at the starting gate for an arms race whose outcome was hard to contemplate.

A year later and there was a new war; the enemy was the Communist, and there was no end in sight. Here are a few 1950 headlines from the front pages of that most responsible of American newspapers, *The New York Times*:

YANKS IN GENERAL RETREAT:
PYONG TAEK LOST

ATOM BOMB SHELTERS FOR CITY AT COST OF
\$450,000,000 URGED

AUSTIN SAYS SOVIET CAN STOP WAR

WALLACE DESERTS PROGRESSIVE PARTY
IN SPLIT ON KOREA

TRUMAN WARNS AGAINST HYSTERIA

SEARCH OF BATORY [a Polish ship]
YIELDS NO BOMB

IF SOVIETS START WAR, ATOMIC BOMB ATTACK
EXPECTED ON NEW YORK FIRST

GALLUP POLL MAJORITY FAVORS DEATH
FOR TRAITORS

And if this was not enough, we had almost daily insights into the relentlessness of domestic Communist treachery, embodied in the travail of Alger Hiss and the agonies of Whittaker Cham-

bers; in the dramatic revelations of the religious reconversion of spy courier Elizabeth Bentley, the schoolteacher from Vassar, and her departed paramour, Soviet spy boss Jacob Golos; in the interminable trial of the 11 Communist Party leaders, and the solemn warnings of the chief witness against them, Herbert Philbrick, the first amateur counterspy to get his name in lights; in the trial of the 10 Hollywood screen writers who refused to tell the House Committee on Un-American Activities whether or not they were, or had ever been, Communists; and in the unresolved gallivantings of the Committee itself whose wanton inquisitions seemed frequently to be a conscious parody on American justice. While the Committee blundered from public praise to ridicule to confused alarm, its very notoriety was the index of our distress. It implied, too, a prevailing desire to know how to detect a Communist, ergo a traitor, if he should escape the probings of formal investigation. From the number of ex-Communists and ex-fellow travelers upon whom the Committee's interest focused, it could be discerned by anybody with half a wit that first of all, a Communist was essentially different from the rest of us. A lot of them were highly educated, a lot of them were Jews or Russians, a lot of them were from metropolitan centers, they supported the paradox of laws to compel liberalism; they flaunted Protestant morality and they mocked legal authority. To further aid us in our determination, the U.S. Attorney General released a list of 140 organizations unofficially tagged as subversive.

Any single quality in this disordered mosaic of traits and beliefs, therefore, could reveal the enemy. Listen to what people say, but be careful what you say yourself. You wouldn't want other people to make a mistake, get the wrong idea. And no matter what you thought about the House Committee, keep it to yourself. After all, a loyal American had nothing to fear. But it was a kind of "double-think"; say anything you like, as long as it conforms to "American principles."

One ramification of this seeping distrust was examined in late 1950 by *The New York Times* in a survey of college campuses, concluding that fear of being misunderstood by this volatile

kind of criteria had just about killed off political discussion in the academic arena. Too many professors, the survey said, discouraged even discussions of current events lest their opinions be misconstrued into grounds for a loyalty investigation.

Given all this doubt, and given our almost hereditary faith in the infallibility of the ferrets of the FBI, when J. Edgar Hoover announced that he and his agents had arrested a Communist spy, we were relieved to believe him, and to regard any subsequent test of his allegation in a court of law as no more than our honorable observance of an old American courtesy which used to be called the presumption of innocence.

6. What Manner of Crime?

We only resist that which is inevitable.

—HENRY MILLER

THE man responsible for the prosecution of Julius and Ethel Rosenberg was Irving Howard Saypol, forty-five years old, a nominally ambitious professional federal prosecutor. A native New Yorker, and a graduate of Brooklyn Law School, Saypol had for the past five years been assembling a record of Communist convictions that would, in just a year, earn him a *Time* Magazine laureation as “the nation’s number one legal hunter of top Communists.”

As chief Assistant U.S. Attorney for the Southern District of New York, Saypol had masterminded the second successful prosecution of Alger Hiss, and been credited with the case against the 11 Communist leaders, and the conviction of William Remington who was the victim of a prison killing. Now Saypol had been promoted to full U.S. Attorney and he was climbing unimpeded toward the summit of his career on the broken lives of traitors.

He was a stocky man, with a firm, square face, thinning and receding hair, bushy eyebrows and a flat but fluid manner of speaking. In courtrooms with dead acoustics, his voice was often lost to the farthest rows of spectators.

Spy prosecutions, initiated by the state of the world and made possible by the FBI, posed unique problems for U.S.

Attorneys. There is no particular point in prosecuting a spy in a public court, other than to demonstrate to the loyal citizenry that its secret services are busy, and to frighten incipient amateur traitors. The national security gains little and may even be endangered, for the battle against espionage is fraught with practical, if unprincipled, considerations.

Once a spy is arrested, the attendant notoriety forces his network to disband and anything we may have learned about it is of no further use. Further, to obtain a conviction in court before a jury the FBI may be forced to reveal to a ruinous extent the nature and techniques of its counterespionage system. The ideal method of controlling espionage, those who have practiced it agree, is to find out who the spies are and how they operate and then to either regulate the information they receive or to dispatch them, as quietly as possible. Even this latter course has drawbacks. It alerts the enemy, and espionage is a two-way street. It is equally as important to us to give a spy the wrong information, as it is for him to get the facts. The validity of this premise can be measured somewhat by weighing the small number of spies ever caught and convicted against the immensity of the underground of espionage, noting also that the majority of spies publicly convicted were amateurs, not professionals.

The fanatic nature of the Communist movement renders the Soviet espionage system subject to some interesting variables in analysis. The spy who works for money has only one criterion of loyalty, but the spy who is driven by his ideals must preserve these ideals because they are his only reason for existing. To confess to the enemy is to die, and one can just as well die without confessing.

Armed with a Harry Gold, an Elizabeth Bentley, a David Greenglass and a national climate of anxiety, the Justice Department could gamble with odds in its favor on a conviction in the national necessity of setting a grand and horrible example of what dilettante traitors could expect. And it could do it without having to put any of its agents or their informers on the stand.

Saypol's strategy, which obviously he developed once he had confessions from Gold and Greenglass and Elitcher and the knowledge that he could never get a confession from the Rosenbergs, or Sobell, was to utilize the anxious mood of the times and seek a maximum penalty under a minimum charge. He decided not to charge the Rosenbergs and Sobell with espionage, which would be hard to prove and which was threatened by the statute of limitations, but with a *conspiracy* to commit espionage. This eliminated the necessity for presenting direct proof that the Rosenbergs and Sobell had spied, and required only that he build a mountain of circumstantial evidence that they *intended* to spy. He was further aided by a federal court rule which, in contrast to almost all state courts, permits one accomplice to give uncorroborated testimony against another.

Legal literature is full of controversy over the so-called conspiracy laws which, in their historical application in the U.S., have often been the people's last resort in cases where direct proof is not available. To prove that the Rosenbergs had actually stolen defense secrets and given them to the Soviet Union would have meant documentation. But proof of a conspiracy may exist in such specious evidence as the report that two people had a meeting, the nature of the meeting then being open to any interpretation the jury chooses to give it.

In addition, second-hand conversations may be admitted as evidence in a conspiracy case. This would be forbidden and ruled out as hearsay in any other type of trial, but in a conspiracy, the judge will allow it contingent on the prosecution's establishing later that the defendant had knowledge of such conversations. Should he fail to do so, the judge may rule out this hearsay testimony, but by the time he does it has homogenized in the jury's mind with all the other testimony.

Saypol's strategy would be considered by most district attorneys as consistent with efficient criminal prosecution practices. But it obviously contains a number of built-in dangers to a free society.

None of this was ever explained in the Rosenberg case; the

words "espionage" and "treason" and "spying" were regarded as sufficient identification for the crimes of the Rosenbergs, particularly by headline writers whose precisions are limited by lack of space. Whether the American press generally was aware of the important distinctions between treason and espionage, and between an alleged act and an alleged conspiracy to commit an act, it apparently viewed them as distinctions thin in spirit, however large in law.

The law the Rosenbergs were accused of conspiring to violate was the Espionage Act of 1917. It was the first time in U.S. history that espionage had been spelled out in law. The immediate intent of the act was to discourage German-born Americans from reverting to their original loyalties during the first World War, and it provided the death penalty for espionage committed in time of war; it failed, however, to distinguish between friendly foreign powers and enemy foreign powers.

To help him carry out this coup in court, Saypol had the dedicated energies of a staff of enterprising young assistants, chief among them being one Roy M. Cohn who subsequently gathered considerable notoriety on his own as half of the team of Cohn and Schine, the junketeering legal birddogs for the McCarthy Committee. It was Cohn who was assigned to prepare David Greenglass for his momentous day in court, and Cohn was a constant visitor to the 11th floor of the Tombs, the New York City prison where Greenglass was quartered during the eight months between the time of his arrest and the day he sent his sister to the electric chair.

On August 17, as Morton Sobell was being kidnapped from his Mexico City apartment, Saypol went before the Federal Grand Jury for the Southern District of New York, now in its 11th month of hearings on Communist conspiracies, and obtained the first of a series of indictments against the Rosenbergs. In subsequent indictments Sobell's name was added, and the alleged overt acts of conspiracy were enlarged as Saypol and Cohn and the FBI secured bigger and better confessions from Greenglass and Elitcher.

The final superseding indictment, issued on January 31,

1951, five weeks in advance of the trial, named Julius and Ethel Rosenberg, Morton Sobell, David Greenglass and Anatoli A. Yakovlev, former Soviet Vice-Consul at New York, as co-defendants. Harry Gold and Ruth Greenglass were named as co-conspirators, but not defendants. Ruth Greenglass, in fact, was never formally accused of anything. Since David Greenglass had already pleaded guilty to the indictment, he was severed from the other defendants for trial purposes, as was Yakovlev who had fled from the United States four years earlier.

The indictments charged that the conspiracy began June 6, 1944, and continued to June 16, 1950, and it listed the following 12 overt acts of conspiracy to commit espionage:

1. That Julius Rosenberg visited Max Elitcher in Washington on June 6, 1944, to recruit him into a Soviet spy net.

2. That on November 15, 1944, Julius and Ethel Rosenberg had a conference with Ruth Greenglass. (Ruth would later testify that this conference consisted of an open appeal by Julius and Ethel for Ruth to go to Los Alamos and persuade David to steal atom bomb secrets.)

3. That on November 20, 1944, Julius gave Ruth a sum of money (\$150 for train fare, she said).

4. That on November 20, 1944, Ruth Greenglass boarded a train for New Mexico.

5. That on December 10, 1944, Julius visited Ruth in her apartment at 266 Stanton Street, New York City.

6. That when he visited her, she gave him information she had obtained from David.

7. That on January 5, 1945, when David came to New York on a furlough, Julius and Ethel had a meeting with him.

8. That on January 5, 1945, Julius cut the side panel from a box of raspberry Jello, tore the panel in half and gave half to Ruth. (The spy courier who called on the Greenglasses later in Albuquerque would present the half retained by Julius.)

9. That on January 10, 1945, Julius took David to a street corner on First Avenue and introduced him to an unidentified

Russian (who questioned him about his ability to report on scientific matters).

10. That on January 12, 1945, Julius conferred with David.

11. That on January 12, 1945, David gave Julius sketches and notes describing experiments being conducted at Los Alamos.

12. That on January 14, 1945, David boarded a train to return to Los Alamos.

The indictment made no specific mention of Sobell, beyond his inclusion in the continuous conspiracy from 1944 to 1950, and whatever the FBI believed his role in the plot to be, they did not reveal it then. The complaint on which he had been arrested, signed by FBI Agent Rex Shroder, accused him only of having a total of five conversations with Julius Rosenberg between June 14, 1944, and the date of the complaint, August 3, 1950.

Sobell spent five days in the Laredo jail and then, waiving extradition as a pointless and expensive matter to contest, was brought to New York on August 23, 1950. His wife immediately retained a team of attorneys recommended to her by friends. They were Harold M. Phillips, an elderly expert in civil matters, and his younger associate, Edward Kuntz, at 258 Broadway, the same lower East Side block where Emanuel Bloch and his father had their offices.

Kuntz' first move, and one which mushroomed into a chain of motion that kept him in and out of Federal District Court for three months, was to seek a dismissal of the indictment on grounds it failed to state, as required by law, "the essential facts of the offense charged."

When this failed, he petitioned the court for a Bill of Particulars—an itemization from the U.S. Attorney's office as to the specific acts of which Sobell was charged. Myles J. Lane, chief assistant to Saypol, argued that the petition was tantamount to a request for a disclosure of evidence by the prosecution. Federal Judge Sylvester J. Ryan disagreed with Lane and ruled in favor of Sobell, directing the government to produce a Bill of Particulars. Lane moved for a reargument of the petition and another federal judge, Henry W. Goddard,

granted it and at the same time stayed Judge Ryan's order. The rehearing went before Judge Ryan, who ruled again in favor of Sobell and directed the U.S. Attorney to submit the Bill of Particulars.

Lane complied with the order as follows:

1. The approximate date when the defendant Sobell joined the alleged conspiracy is on or about June 15, 1944.
2. The government still charges the defendant Sobell with the commission of the overt acts set forth in the complaint. [Shroder's allegations as to the five conversations with Rosenberg.]

Kuntz and Phillips protested that they couldn't defend Sobell unless they knew specifically what he was charged with, but by this time the trial was less than a month away and it was too late to protest further.

2.

IN the eight months between their arrest and their trial, Julius and Ethel saw each other only three times—when they were brought to the Federal Courthouse from their separate prisons for pre-trial court appearances. They did not see their children at all during that period. Ethel's mother had turned the boys over to a welfare shelter in the Bronx where a psychologist deemed it in Michael's and Robert's interest to spare them the experience of seeing their parents in separate jails. Emanuel Bloch sought to console them with the thought that the family would be reunited after the trial and their acquittals.

It was no comfort to Ethel, her cellmates in the Women's House of Detention reported, for night after night Ethel sobbed herself to sleep. And when she was not sobbing, she was writhing and groaning with migraine headaches while the matrons and her sister prisoners bathed her forehead with cold

compresses. Ethel and the other occupants of the 9th floor, all first offenders up on a variety of charges from prostitution to embezzlement, were given the run of the floor during the day and Ethel achieved a certain popularity because she could sing. In return, the other women would set her hair, a gesture they would not have made had they not respected her. Ethel began to attend Jewish religious services, and later went to Protestant and Catholic ones as well, and even to a Christian Science service. During the hourly exercise periods on the prison roof, Ethel would stand on the benches that lined the wire fence around the roof and try to peer over the rooftops toward the Federal Detention House where Julius was held less than half a mile to the west.

She and Julius were permitted to write each other once a week, and it was in these letters, some of which were later published in a book sold for defense fund-raising purposes, that Ethel poured out her agony to the man she loved, who had enough agony of his own.

... Sweetheart, we must go on pouring out all that we feel toward each other in our letters. How frustrating it is, though, to have only this means of communication. . . .

A woman prisoner who rode with Ethel and Julius in the marshal's van to court on one of their pre-trial appearances told of this frustration in more vivid terms.

The van had called first at the federal lockup where it picked up Julius, placing him in the front section of the vehicle which was separated from the rear by a heavy wire mesh. When the van, or "pie wagon" as the prisoners called it, reached Ethel's jail, Ethel jumped in first and hurried forward toward the screen. After the rear door was closed and locked, the interior of the van was too dark to see clearly. The woman with Ethel struck a match to light a cigarette, and then blew it out hastily without lighting her cigarette. In the glare of the match, she had seen Julius and Ethel kissing through the mesh.

Ethel's cellmates also taught her how to knit, and when she left the House of Detention in March of 1951 for her trial, she had half completed a green and white sweater for Michael.

It was never finished. (She told Julius the sweater was for a Jewish social worker who had befriended the boys in the Bronx shelter.)

Julius had a more restrained time of it than Ethel. He was kept in a separate, solitary cell, and forbidden to mix with the other prisoners during exercise periods. Even so, he had some furtive contact with other inmates and, like Ethel, he appears to have been respected. He spent most of his waking hours reading an assortment of books brought to him by his lawyer, and members of his family were permitted to visit him periodically.

Many of his conferences with Bloch were given over to discussing future arrangements for the care of the children. Bloch had received many offers of foster homes, from both friends and strangers, but Julius and Ethel objected. They preferred to have the boys remain in the shelter until they were either freed from jail or some member of their families could take the boys.

In their letters to each other, Julius and Ethel constantly struggled, as though compelled, to state their relationship in infinitely idealistic terms. It suggested that the only meaning their lives held was the meaning they were able to articulate in anxious, groping phrases. It amounted to a desperate, empty tearing at each other's emotions.

After one of their early court appearances, Ethel wrote that there were so many things she had wanted to say to him, *... yet I couldn't ever say enough—what pride and love and deep regard for you I feel. There comes to me such an abiding sense of faith and joy, such a sure knowledge of the rich meaning our lives hold, that I am suddenly seized with an overwhelming desire to see you and say it to you and kiss you with all my heart. . . .* At other times she would bemoan their fate, and wallow in her anguish, protesting that *all our years we have lived decent, constructive lives. . . .*

For Julius' part, *tears fill my eyes as I try to put my sentiments on paper. I can only say that life has been worthwhile because you have been beside me . . . I think of you constantly, I hunger for you, I want to be with you; it is so painful, such*

a great hurt, that it can only mean I love you with every fibre of my being. . . .

Ethel reserved her more realistic sentiments for her meetings with the elder Bloch. It was to the lawyer that she related, with furious indignation, a conversation she said took place when her mother, Tessie Greenglass, came to visit her. Her mother begged her, Ethel said, to corroborate David Greenglass' story and to confess. "You have it in your power to save Davy," pleaded Tessie Greenglass, in a bitter and bewildered way. Ethel said she did not answer her mother, but that she hoped her mother would not visit her again.

The Rosenbergs had virtually no funds at all now, and Bloch was obliged to arrange for vacating their apartment in Knickerbocker Village. The rent was only \$51 a month, and Julius and Ethel hoped to return to it but in the meantime they had no way of paying for it. The furniture Bloch consigned to a used-furniture dealer who paid \$100 for everything. The machine shop had been liquidated too, and the money had gone to creditors. For their fee, the Blochs had filed a pauper's oath for the Rosenbergs in Federal Court which appointed them defense counsel at the specified trial fees.

Bloch also believed the Rosenbergs were victims of the most blatant political frame-up in American history and he could hardly have turned his back on the opportunity to defeat such an outrage.

The 11th floor of the Tombs was for years the portion of the City Prison reserved for informers, prosecution witnesses in custody and other miscreants who, for various reasons, are granted preferential jail conditions. At one time, the 11th floor was referred to as the "Singer's Heaven" or the "Canaries' Paradise," and it was widely believed that its occupants were given a daily ration of cigars and whiskey and that the food was catered by some expensive midtown restaurant. Once, during Prohibition, the rumor went abroad that the prisoners were permitted the constant company of wives and mistresses.

The fact that David Greenglass and Harry Gold were confined together on that infamous 11th floor for three months

gave the Rosenbergs' defense counsel grounds to suggest that the collusion between these two key prosecution witnesses made a horrible mockery of the American tradition of a fair trial. Morton Sobell was also in the Tombs, but on the 4th floor.

Gold's presence there was explained by the U.S. Attorney's Office as no more than a convenience to the government. Gold was taken from the Tombs to Philadelphia on December 10, 1950, but only long enough to be sentenced to 30 years in prison on his plea of guilty to espionage charges. Then he was returned to New York where he was readily accessible to the FBI and the U.S. Attorney for conferences and to testify in two trials. Not only was Gold a paramount witness against the Rosenbergs, he was also the bulwark of the government's case against Abraham Brothman and Miriam Moscovitz, who were sentenced to two years' imprisonment in November of 1950 for obstructing justice. They had been accused of refusing to make certain revelations to that federal grand jury in its protracted Communist espionage inquiries.

The Brothman-Moscovitz trial never did receive the attention it deserved, for its importance lay not in its nominal punishment of two Communists, but in the subtle fact that it was one more incident to help blur in the public mind the distinction between traitors, fellow travelers, Communists and spies, and just in time for the Rosenberg trial.

7. A Fair Trial

The jury makes the orderly administration of justice virtually impossible.

—JUDGE JEROME FRANK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

C. 134-245

United States of America

vs.

Julius Rosenberg, Ethel Rosenberg, Anatoli
A. Yakovlev, also known as "John," David
Greenglass and Morton Sobell

Before: Hon. Irving R. Kaufman, D. J., and a Jury
New York, March 6, 1951; 10:30 o'clock A.M.

APPEARANCES

Irving H. Saypol, Esq., United States Attorney
Myles J. Lane, Esq.
Roy M. Cohn, Esq.
John M. Foley, Esq.
James B. Kilsheimer, III, Esq.
and James E. Branigan, Jr., Assistant United States Attorneys,
for the Government.

Emanuel H. Bloch, Esq., Attorney for Julius Rosenberg
Alexander Bloch, Esq., Attorney for Ethel Rosenberg
O. John Rogge, Esq., Attorney for David Greenglass
Harold M. Phillips, Esq.,
and Edward Kuntz, Esq., Attorneys for Morton Sobell

First Day

IT is a fair complaint that the publicity given an arrested person tends inescapably to corrode the presumption of innocence under which he is entitled to walk into court. The odds that his day in court will deal him the most scrupulous fairness are further reduced when he is indicted by a grand jury. Prosecuting attorneys seek grand jury indictments for one or both of two reasons: to shift the decision to prosecute to the jury, in case they lose the trial, or to smear the accused with an even heavier taint than the obvious fact that the cops arrested him in response to an earnest belief.

With all these handicaps, an American court of law has, to the layman, such a pervading austerity that by its very rule-ridden atmosphere it restores in some measure the neutrality without which a trial becomes a travesty. And of all American courtrooms, surely there is none in which this grace of equality is richer than the main courtroom of the towering gray Federal Courthouse on Foley Square in the lower reaches of Manhattan.

Because it is the largest federal courtroom in the Southern District of New York, it has been the stage on which the most celebrated legal enigmas of our time have been resolved or, in truth, sometimes driven to a further impasse. Alger Hiss was tried there twice, and so were the 11 leaders of the Communist Party.

This room, perhaps 75 feet square, is set on the courthouse's main floor within a light well which surrounds it like a moat. The floors of the courtroom, and its walls to a height of 10 feet, are of glistening gray marble, giving the room the appear-

ance of an arena. Above, reaching some 30 feet to the ceiling, are soft and graceful panels of chestnut wood. Three tall windows are set in this paneling on each side of the room. The court is divided approximately in half by a low curving wooden balustrade with an opening at its center. On one side of this balustrade are six rows of wooden benches, separated by an aisle down the center, capable of seating perhaps 150 spectators. On the other side of the balustrade is the court, and although only the judge's massive bench at the farthest center is elevated above the common level, it is all clearly a stage.

Directly in front of the judge's bench are three rows of heavy oak tables and chairs. The row nearest the judge is occupied by the court clerk and his aides, the second row by the prosecution, and the row nearest the spectators by the defense.

To the right of the bench, rising in three tiers of green leather swivel armchairs, is the jury box. Facing it, on the opposite side of the courtroom, is a row of long oaken tables which may be occupied by the press. The witness chair is elevated slightly, directly to the right but below the bench. A podium from which the examining attorney questions his witnesses stands like a pulpit against the balustrade, behind the defense table and to the extreme left of the members of the jury, who must swivel their heads back and forth as the attorney asks and the witness answers.

There are only three entrances to this marble pit. One, through which the spectators come and go, is in the right rear corner. In the far left corner behind the bench there is a second door leading to an elevator which brings the accused up from the U.S. Marshal's lockup in the basement. The third door is at the far right corner behind the bench, and it leads to the judge's chambers and to the counsel rooms.

Julius and Ethel Rosenberg and Morton Sobell came to trial in this courtroom on Tuesday, March 6, 1951, at 10:30 o'clock in the morning. The few spectators' seats were filled by prospective jurors while a hundred more stood against the walls. Scores of spectators milled outside in the long airy corridors of the courthouse, waiting in the vain hope of a seat, oblivious of the

scowling marshals in business suits with gold badges on their lapels who guarded the door.

Julius and Ethel Rosenberg and Sobell were in their seats, flanked by their total number of four attorneys, shortly after 10:15. The talesmen, awed by their own anticipation, modulated their conversation to a rasping kind of murmur which faded into a hollow silence when the court clerk came striding up to his table and remained standing while he glanced constantly at the door to the judge's chambers. At last the door opened, and the clerk called the courtroom to its feet.

The man who emerged, and who was seated on his high bench so quickly it seemed that his entrance had been invisible, faced his solemn duty with a boyish and stern manner that quickened the attention of everyone. His name was Irving R. Kaufman, and at forty years of age he was the youngest federal judge in the country. He had a reputation for drive and brilliance but if those who were there that day knew even that much about him, they knew little else, apart from the observation that if there was such a thing as precocity on the bench, Judge Irving Kaufman looked it. Contrary to a rumor which swept the spectators that day, he was no kin to Federal Judge Samuel Kaufman who had presided over the first Alger Hiss trial in that same room just two years before.

Judge Irving Kaufman was a native New Yorker, one of five children of a tobacco humidifier manufacturer, and he was marked for distinction from the age of sixteen when he was graduated from high school and entered Fordham University, a Catholic school. Many Jews went to Fordham's excellent law school, but Kaufman was one of the few undergraduates. He excelled at everything, including Christian Doctrine, and he received his law degree at the age of twenty, a year too soon to be admitted to the bar. Churning with impatience, Kaufman took the bar exam as soon as he could, joined a prosperous law firm and fell in love with the boss's daughter whom he married after a four-year courtship. In 1935 he became special assistant to the U.S. Attorney for the Southern District of New York, and a year later he was promoted to Assistant U.S. Attorney. Still

in his twenties, Kaufman held the job for four years and suffered frequent references to himself as "the boy prosecutor." He returned to private practice in 1940 as a partner of Gregory Noonan and Colonel Edward P. F. Eagan, then chairman of the State Athletic Commission, and before he was thirty-five it was said he was netting over \$100,000 annually. In 1947, Kaufman served a year as special assistant to U.S. Attorney General Tom Clark, and another year in private practice and, it was also said, as an unofficial coordinator of federal patronage in New York. Kaufman made no secret of his boundless admiration for the federal judiciary, and his intense desire to be a member of what he termed "the capstone of the legal profession." He achieved it in 1949 when both he and his former partner, Gregory Noonan, were named to the federal bench.

Judge Kaufman was a short and stocky man, physically dwarfed by the high bench on which he sat; this gave the appearance that he had trouble seeing what was happening in the arena below. The judge was an unknown quality to all but a few attorneys, and his command over the court was weighed with an ominous uncertainty.

"He looks," Julius whispered to Emanuel Bloch, "like a cross between a rabbinical student and an Army sergeant."

Three hundred prospective jurors had been summoned for this trial and before any other formalities, dozens of these citizens were submitting hopefully valid reasons for being excused from their duty. The halting explanations were even more fragmentary, for in the rear of the court the voices often fell below the level of shifting and scuffling. It went on for several moments and then, suddenly, the judge spoke. Nothing that had happened in these few moments was consistent with the cloak-and-dagger melodrama anticipated and Judge Kaufman's hoarse and ordinary voice was a further incongruity.

"May I say to the ladies and gentlemen of the panel that I am sure those of you who are asking to be excused are doing so in good faith, but again I ask you to bear in mind that as citizens of this country you owe a duty wherever possible to serve as jurors. . . ."

There was an instant's letup in the wavering drone of beseeching prospective jurors and then it resumed. When Judge Kaufman spoke again, he was plainly annoyed.

"We are all inconvenienced while we are here, but again I say that if justice is going to flourish, you and I . . . must make some sacrifices. . . ."

A few more are excused and then it ends. Immediately the lawyers converge on the bench, the judge leans forward, looking from face to face before him, and it is apparent the drama is about to begin. The clerk rises and calls the case: "The United States of America versus Julius Rosenberg, et al. . . ."

There is a sense of settling back for everyone. The clerk stands ready to spin the drum containing the jurors' names, but it is almost an hour before he does. Instead, there is a seemingly confused dialogue between the judge and various counsel, only one portion of which has any apparent bearing on the trial. Emanuel Bloch has some motions to make, he says, and would like to do it before the jury is empaneled because if his motions are accepted, there will be no need for a jury.

Judge Kaufman says he prefers to get a jury first, that this will not prejudice Bloch's motions. The clerk begins to call names and the jury box is filled.

Judge Kaufman addresses himself to the 12, and to the remaining prospective jurors sitting and standing in the crowded courtroom. He explains that he, and not the attorneys, will question the jurors to determine that they are free of bias or prejudice, that their minds "are as a sheet of paper with nothing on it," that they are able to presume the defendants innocent "unless it is established beyond a reasonable doubt that they have offended against the law. . . ."

First, Judge Kaufman asks if any of the jurors are acquainted with, or have had dealings with, any of the lawyers for either the government or the defense, with any of the defendants or any of the witnesses, with members of the FBI or any law enforcement agency; if they have been employed, want to be employed or expect to be employed by the government.

The first group of 12 have proved satisfactory on these grounds, so Judge Kaufman orders the clerk to read the indictment, after explaining that an indictment is no more than a notification to the defendant of the charge against him and is in no way to be taken as evidence.

The words of the indictment are now familiar: that from June 6, 1944, to June 16, 1950, Julius and Ethel Rosenberg, Morton Sobell, Anatoli Yakovlev and David Greenglass, the defendants herein, did, during time of war, conspire, combine, confederate and agree with each other and with Harry Gold and Ruth Greenglass, who are named as co-conspirators but not as defendants, and with divers other persons presently unknown, with intent and reason to believe it would be used to the advantage of a foreign nation, did communicate, deliver and transmit to the Union of Soviet Socialist Republics documents, sketches, notes and information relating to the national defense of the United States of America.

Would the fact of the indictment prevent any of the jurors from reaching a fair verdict? To one man it would, and he is excused. Another name is called and the jury box is full again.

Again the judge emphasizes the jury's purity. "It is like adding a column of figures. You may not like the result you have gotten, but that is the result. . . ."

Another man says he believes his wartime military service makes him prejudiced and he is excused. Another name called. The questions go on. Is any juror opposed to capital punishment? Does any juror oppose research in atomic weapons? Has any juror been a student at the City College of New York, read or had any dealings with any of the several dozen Communist, fellow-traveling, liberal and right-wing organizations or publications, the names of which are all read by the clerk?

Other possible sources of bias offered by the judge are a string of newspaper columnists, including Westbrook Pegler, Fulton Lewis, Jr., and Walter Winchell. Are any jurors opposed to loyalty oaths; have any been born in, or visited, Russia; would any juror be able to give as much weight to testimony by a Communist as by an FBI agent? Would any juror

be embarrassed to render a verdict of not guilty? Of guilty? Has anybody had an unpleasant experience in court, or with the police?

One by one the jurors fall away and are replaced. The court recesses for lunch from 1 P.M. to 2:30 P.M. and the process continues. The defense is permitted a total of 30 challenges (the right to remove a juror without cause) and the prosecution, 20 challenges.

At day's end, 200 of the 300 talesmen have been excused. The defense has exercised 15 of its 30 challenges, the prosecution has exerted 8 of its 20, and there is no jury yet.

The drama is slow to unfold.

Second Day

IT was well after lunch before a jury had been assembled that was outwardly acceptable. It consisted of 11 men, one of whom was a Negro, and one woman. Otherwise, they were:

A branch manager for Macy's

A Long Island tennis club caterer

A bank auditor

An accountant

An oil company auditor

A restaurant owner

A household appliance salesman

The secretary of the State Board of Pilot Commissioners

A switchboard operator

A bookkeeper

An accountant

A printing company estimator

In view of the preponderance of accountants and auditors, Judge Kaufman's analogy about adding a column of figures seems almost prophetic.

Throughout all this, the defendants in the case have been overshadowed by technicalities. The press the first day took note of Julius' composure, Ethel's white blouse with the scarlet bodice, the only color in the court, and Morton Sobell's pallor. There was little comment this second day, because the proceedings had little to do with them.

Emanuel Bloch consumed an hour with his motion to dismiss the indictment and the case on the grounds that the indictment failed to contain a fair statement of the charges against the Rosenbergs, and that the term "national defense" is nowhere defined in the law and that it, therefore, can only be violated specifically. The indictment, he argued, failed to do this.

Judge Kaufman denied the motion as soon as he heard it. The indictment contained a sufficient accusation, he said, and as far as the national defense was concerned, it was adequately defined by the indictment's allegations of the intentions of the Rosenbergs. That is, they were out to injure the United States on behalf of another nation.

The indictment doesn't say "to injure the United States," protested Bloch, only "to the advantage of a foreign power."

The jury had been absent from the court during this long exchange, and they were admitted now, Judge Kaufman's eyes on them as though he wanted to ask them to hurry.

"Will you keep your opening statements very brief?" he said, looking around at the various counsel. "I don't think much is accomplished anyway by opening statements."

"I intend to take about three minutes, perhaps five," said Alexander Bloch.

"Not very much," promised Emanuel Bloch.

"A very few minutes," said Kuntz, attorney for Sobell.

"I will take about twelve minutes," said Saypol, and took half an hour. His voice was flat and often hard to hear beyond the rim of the arena, and where there was passion in his words, there was none in his voice.

"The evidence will show that the loyalty and allegiance of the Rosenbergs and Sobell were not to our country, but that

it was to Communism; Communism in this country and Communism throughout the world."

Emanuel Bloch, who had been sitting idly during all of Saypol's tame preamble to this, now shot to his feet.

"If the court pleases, I object to these remarks as irrelevant to the charge . . . and I ask the court to instruct the district attorney to desist from making any remarks about Communism, because Communism is not on trial here. These defendants are charged with espionage."

Saypol frowned heavily. "I object to these interruptions," he said.

"I beg your pardon, Mr. Saypol," Bloch retorted. "But I am forced to do it."

Judge Kaufman was leaning so far forward only his head and shoulders were in view. "Will somebody permit me to make a ruling?"

There was incipient laughter in the room, a bare murmur.

"Mr. Saypol objects to your objection and you answer his objection and I can't make a ruling."

Another murmur, and the members of the jury smile indulgently.

"The charge here is espionage. It is not that the defendants are members of the Communist Party or that they had any interest in Communism. However, if the government intends to establish that they did have an interest in Communism, for the purpose of establishing a motive . . . I will, in due course, when that question arises, rule on that point."

Saypol, his honor vindicated, apologizes to the jury for the interruption and continues to speak of the Rosenbergs' "worship of the Soviet Union," their "rank disloyalty to the United States" in stealing "information and weapons the Soviet Union could use to destroy us."

It is now the judge who interrupts.

"Excuse me a moment, Mr. Saypol. I think I said to the jury before that the charge was espionage. I want to correct that. It is conspiracy to commit espionage."

Saypol is a moment recovering his pace, but only a mo-

ment, and he resumes his narrative of "these traitorous Americans" who "persuaded David Greenglass, Mrs. Rosenberg's own brother, to play the role of a modern Benedict Arnold while wearing the uniform of the United States Army." The rest of the story is familiar. How David gave reports on Los Alamos activities to Julius personally when he was home on a furlough, and how he later delivered sketches of the Nagasaki atom bomb mechanism to Harry Gold, the spy courier who visited him in Albuquerque.

"There came a day, however, that a vigilant Federal Bureau of Investigation broke through the darkness of this insidious business and collected the evidence. . . ."

Saypol has long exceeded his 12 minutes and the judge asks him to please be done with it. His concluding comments are that when the defendants realized they were under suspicion, they made elaborate plans to flee the country. Sobell, for instance, had actually gotten as far as Mexico City before he was captured.

Alexander Bloch rises to make, heatedly, a motion for a mistrial. Saypol, he says, tried to inflame the jury with irrelevant statements about Communism.

Motion denied, says the judge.

Harold Phillips, one of Sobell's two lawyers, objects to Saypol's references to Sobell's alleged flight from the country in advance of any proof that he actually did flee, and he also moves for a mistrial, which is denied.

"Well, the United States Attorney hasn't introduced any proof yet," says the judge. "He is telling the jury what he intends to prove."

Emanuel Bloch promises to be very, very brief. The jury, he begins, is in the same position he is. Saypol's remarks, he explains, constitute the first statement of just what it is the government is accusing the Rosenbergs of, and, he adds, it is a very grave crime. He pleads for a "fair shake," and he urges them to examine carefully the credulity of the prosecution witnesses.

His father, representing Ethel Rosenberg, is even more

brief. The jury must not condemn Ethel "because her brother is a self-confessed traitor" who dragged her into the case through "machinations" designed to lighten his own burden of responsibility.

Phillips, on Sobell's behalf, ends the day with eloquence. He is shocked, he says, at Saypol's opening remarks, with their references to treason, and the destruction of America, and "this endeavor to inflame the jury's hearts" with frightening allusions to the Soviet Union. "Transmitting information to the Soviet Union is no greater a crime than transmitting information to the British Government because the statute makes no distinction between foreign governments."

As far as Sobell is concerned, the indictment fails to accuse him of a single specific act; nothing but a "naked statement that at some time he conferred or conspired or agreed to do something. . . . I am as ignorant of what it is the government intends to really charge against him as you are."

Judge Kaufman says the jury members may expect to be here several weeks, and he admonishes them to close their eyes and ears to any reports or discussions of the case after they leave the court each day.

Third Day

REPORTERS covering a criminal trial inevitably examine the defendant for some gesture or attitude that will hint at his guilt or innocence, or disclose the depths to which his ordeal is punishing him. But defendants are invariably impassive or stoic or they may display nervous mannerisms which they have always displayed under stress, and often under far less stress. Lines of worry creasing their brows may derive from some other cause altogether, such as the warped ambitions of their children, the perversity of their wives, the payment due on the house. A man on trial, even for his life, often finds in this slow, orderly, regulated unfolding of his troubles a dream-like remoteness and he is unable to contemplate its reality.

The press did its best to relate the counsel table conduct of the Rosenbergs and Sobell to the enigma of their guilt, but all they could say was that Sobell twitched a great deal and whispered constantly in his lawyer's ear, while Julius drummed on the table with the fingers of his right hand, and Ethel practiced her unshakable composure. The responses of the lawyers, the judge and the spectators were more interesting.

On the morning of the third day, with the spectators waiting impatiently for the parade of witnesses to prove this home-grown spy story, Saypol and Emanuel Bloch got into a mild wrangle with Judge Kaufman over whether or not the FBI agents who participated in the case, some of whose names had been listed as witnesses, would be excluded from the courtroom along with all other witnesses prior to testifying. Bloch wanted them excluded, while Saypol argued that the agents were actually assisting in the presentation of the case and he won the judge's ruling.

The list of government witnesses was 123 names long and it included such promising public personalities as Dr. J. Robert Oppenheimer, Dr. Harold Urey, and Lieutenant General Leslie R. Groves who had commanded the Manhattan Project to develop the atomic bomb.

But the first witness was of no such stature. He was a tall, thin, round-faced, dark-haired man with black-rimmed spectacles and his name was Max Elitcher.

Saypol elicited smoothly from Elitcher his address, the fact that he had worked at the Naval Bureau of Ordnance in Washington from 1938 to 1948, that he had known Morton Sobell in Stuyvesant High School and at the City College of New York.

The first hint of days of acrimony to come appeared when Sobell's attorney, Harold Phillips, protested this question by Saypol: "Do you recall a conversation with Sobell sometime in 1939 regarding the Communist Party?"

Phillips: "Just a moment. That is even prior to the date when the alleged conspiracy is said to have taken place. The

date in the indictment is 1944. . . . Are we going back to the beginning of the world?"

Judge Kaufman: "Don't argue. Make your objection. You don't have to argue your point."

He summons the three attorneys to the bench where they talk out of earshot of the jury for twenty minutes. When they return to their seats, Judge Kaufman says that he has overruled the objection, but that he wants to make the point clear to the jury that membership in the Communist Party is not proof of guilt, that he is admitting this testimony because Saypol contends it will establish motive, but that the government will have to prove the connection between Communism and the crime charged.

Elitcher is therefore allowed to recall the conversation. It occurred in Washington in 1939, he says, and it consisted of Sobell's invitation to him to join the Young Communist League.

Edward Kuntz, who is Phillips' associate, objects. Previous court rulings have established that the Young Communist League and the Communist Party are not the same thing, and such evidence has been excluded by other courts.

"Well, I will exclude it," Judge Kaufman says, "unless Mr. Saypol will tell me he will establish that there is some connection between the two."

Saypol protests that the witness is telling a narrative, that it will reach the point where the witness did join the Party 'at Sobell's instigation.

"Strike out everything about the Young Communist League," Judge Kaufman rules, "get on to the Communist Party."

Stumbling over repeated objections by the assembled defense, Saypol at last brings out that Elitcher went with Sobell to a meeting, that it was a meeting of the Communist Party, that Sobell invited him to join and he did.

Elitcher is next asked to identify Rosenberg, and when Saypol asks if "anybody ever asked you to obtain classified documents and information from the Navy Department for the benefit of the Soviet Union?" there is a fresh flurry of objections. Saypol reaches his objective by another route and

Elitcher tells how Rosenberg came to their apartment, chatted for a few moments and then asked Mrs. Elitcher to leave the room, that he wished to talk to Elitcher privately.

"... he talked to me first about the job the Soviet Union was doing in the war effort and how at present a good deal of military information was being denied them by some interests in the United States and, because of that, their effort was being impeded. He said that there were many people who were implementing aid to the Soviet Union by providing classified information about military equipments and so forth. ..."

Elitcher said he was then working on computers for anti-aircraft weapon fire control and Julius asked him if he could obtain data on the project which Elitcher explained was officially categorized as "confidential," one stage of classification below "secret."

It wasn't easy, for Emanuel Bloch cluttered the testimony with objections, the length of which annoyed the Judge.

"Please state your objections in short form ... please give me credit for some intelligence, too."

Elitcher resumes his narrative: Julius assured him there would be no danger; that documents and other material would be photographed immediately and the film transported to New York in tamper-proof containers.

Saypol turns the testimony toward Sobell again, and Elitcher tells how, when he visited Sobell at the Reeves Instrument Company in New York in 1947 on an official trip for the Navy, Sobell asked him repeatedly to submit names of other Navy personnel who could be approached for Soviet espionage work.

Elitcher's testimony, none of which escaped a siege of defense protests even if it did survive, covers his acquaintance with Rosenberg and Sobell at CCNY (he and Sobell were good friends, but he scarcely knew Rosenberg), invitations to join the Young Communist League (with Judge Kaufman reminding the prosecution that it had better link this to espionage soon).

"Well, your Honor," Saypol offers, "I submit this, whether it is the Young Communist League, or whether it is the Ho-

ratio Alger Progressive Club at City College, or whether it is the members of a civic club at City College—”

“Regardless,” interrupts the judge, “correct, regardless. . . .”

“What I am showing is that these people were not strangers to each other, that they had something in common there . . . that it ultimately led into . . . the crime.”

Well, muses the judge, the defense contends that the Young Communist League is inflammatory, whereas the Horatio Alger League is not, and there is some merit to the argument.

Saypol says he sees no special stigma, that it only shows a common objective, common purpose.

Very well, Judge Kaufman rules, prove the association, but without using inflammatory names “unless you can establish that the Young Communist League teaches the same principles as the Communist Party.”

Saypol avows it does and that he will prove it. Judge Kaufman agrees to allow this line of questioning to be pursued “subject to connection” by the prosecution. The defense renews its objections and there is another lengthy huddle around the bench, beyond the jury’s hearing.

Elitcher’s testimony, which continued all morning and resumed after lunch when the defense went after him with cross-examination, is a drab reconstruction of his relationships with Sobell and Rosenberg through the second World War. There are overtones of treachery, but it is weak melodrama. Ironically, its impact is heightened by the defense objections through which the story somehow manages to emerge. The impression is that the defense is fighting desperately to stop damaging revelations.

The remainder of Elitcher’s tale, which is punctuated with enough intimate facts—street addresses, apartment numbers, Party meeting protocol—to give it sounds of authenticity, is this:

Elitcher and Sobell had been busily involved in Party activities together in Washington from 1939 to 1941 when Sobell left Washington to get his master’s degree at the University of Michigan and Elitcher continued on alone. Rosenberg first

visited Elitcher in Washington in the summer of 1944, and urged him to do espionage work, pointing out that Sobell was obtaining secret information for Russia from his new position at the General Electric plant in Schenectady. Elitcher saw Rosenberg in New York a few weeks after that, where the invitation was repeated, and on Labor Day that year Elitcher and Sobell went camping at Kumbabrow State Park in West Virginia. Elitcher told Sobell what Julius had said and Sobell was furious.

"He should not have mentioned my name. He should not have told you that."

Elitcher said he tried to explain that Rosenberg knew of their close relationship and probably felt safe in sharing such secrets, but Sobell remained angry.

Elitcher and his wife spent another vacation in New York in the summer of 1945 and stayed at Rosenberg's apartment. Rosenberg had just been fired from the Army on charges of Communist membership and he told Elitcher he was relieved. His initial fear was that his espionage work had been uncovered.

Rosenberg visited Washington in September of 1945 and again asked for information. Elitcher replied that he would think about it.

"The war is over," Rosenberg said, "but Russia still needs our help."

Elitcher visited General Electric in Schenectady early in 1946 on official business and met with Sobell, who asked him for reports on a confidential antisubmarine weapon Elitcher was then helping to develop, a request Elitcher said he parried by explaining that no reports were available.

On his next visit to Rosenberg's apartment, Elitcher said he encountered a different atmosphere. Rosenberg said that there had been leaks, that precautions would have to be taken, that Elitcher should not visit him again. Further, if Elitcher wanted to do espionage work, he would have to give up all his Communist Party activity. Elitcher protested that the Party was an important part of his life, that both he and his wife were

deeply involved, that he couldn't give it up. Rosenberg shrugged and Elitcher left.

Sobell, meanwhile, had resigned from GE for a better job at Reeves Instrument Company, 215 East 91st Street in Manhattan, where Elitcher visited him several times, and they often lunched at The Sugar Bowl on Third Avenue nearby.

Elitcher decided to leave the Navy in 1948 and take a job at Reeves, too. He told Sobell during one of his visits to New York and Sobell protested. The Party needed Elitcher in the Navy. But he argued in vain and, seeing this, he summoned Julius. The three of them met at 42nd Street and Third Avenue and paced the side streets back and forth, heading uptown while Julius and Sobell tried to talk Elitcher out of his resolve to leave Washington. Sobell finally gave up and went home. Julius and Elitcher had dinner alone at Manny Wolf's restaurant on Third Avenue at 49th Street.

The conversation took a mellow turn now and Julius tried another approach. Would Elitcher be interested in a job at the Bell Laboratories in Whippany, New Jersey? Would he like to go back to school to get another degree? Soviet funds were available to help deserving young men. Elitcher said he didn't know, he just wanted to leave Washington.

Elitcher moved to New York in July of 1948. Driving up from Washington with his wife and infant child, Elitcher was certain he was being followed, but he went directly to Sobell's house in Flushing. Sobell had invited him to stay there until he found his own house. But when he told Sobell he had been followed, Sobell flew into a rage and asked him to leave. Elitcher protested that he had no place to go and Sobell relented, grudgingly. Half an hour later, Sobell's mood changed abruptly and he asked Elitcher to accompany him on a drive into Manhattan, saying he had some information to deliver to Julius which was too valuable to destroy and too dangerous to keep in the house. The information, whatever it was, was contained in a 35-millimeter film can.

"I told him it was foolish under the circumstances; that it was dangerous; that it was a silly thing to do. However, he

insisted and asked me to come along. He said he was tired and might not be able to make the drive back. . . .

"... he drove over to Manhattan along the East Side Drive and parked alongside the *Journal-American* building. He left the car. He told me to park the car on the street around the corner which I then noticed was Catherine Slip. [About one block from Knickerbocker Village, where the Rosenbergs lived.] He took the [film] can out of the glove compartment and left and I drove up the street and down and parked facing the East River Drive on Catherine Street and waited for him there. He came back approximately a half hour later, or perhaps a little shorter, and as we drove off I turned to him and said, 'Well, what does Julie think about this, my being followed?' He said, 'It's all right; don't be concerned about it; it is OK.' He then said Rosenberg had told him that he once talked to Elizabeth Bentley on the phone but he was pretty sure she didn't know who he was and therefore 'everything was all right. We proceeded back to the house.'"

Miss Bentley's name sent a stir through the courtroom. Her revelations as a Soviet spy queen, although some three years old, were still notorious, thanks to her repeated appearances in trials, before grand juries, congressional investigation committees and on the lecture platform.

Elitcher also testified that he knew for a fact Sobell had smuggled documents out of Reeves Instrument. He didn't know what they were but they must have been secret because Sobell took pains not to be caught with them.

Elitcher got his job with Reeves and in time bought a house whose backyard abutted that of Sobell's. The two families remained close friends until June of 1950 when Sobell left for Mexico. He had not seen him since, except today in the courtroom. And with that, Saypol relinquished his first major witness.

Emanuel Bloch worked on Elitcher all the remainder of the afternoon and brought forth a number of dubious irregularities.

Elitcher could remember the date of his first sinister meeting

with Rosenberg seven years before, but not the date the FBI called on him at his office only eight months before.

One of Elitcher's motives for leaving Navy employment was the increased tempo of loyalty investigations in 1948 and his fear that he would be exposed as having signed a loyalty oath in 1947 while a member of the Communist Party, the inference being that hope of avoiding prosecution for perjury motivated him to testify against Rosenberg. However, no action had yet been taken against him; he had not been arrested, indicted, or even told he might be prosecuted.

As it turned out, Elitcher was spared from prosecution not by the indulgence of the Justice Department, but by the statute of limitations.

As far as Sobell and his wife were concerned, Elitcher had proven himself a man capable of limitless treachery. When Helen Sobell was selling off their home and furniture to raise money for lawyers, Elitcher stopped by one evening—long before she knew of his role as a government witness against her husband—and offered to buy some of the furniture. Because they had been friends, Mrs. Sobell said later, she gave Elitcher a substantial bargain.

Fourth Day (Morning)

MAX ELITCHER spent another half day on the stand, undergoing what Judge Kaufman complained of frequently as an "unnecessarily detailed cross-examination" conducted in relentless fashion by Emanuel Bloch.

It yielded some discrepancies in testimony, but on the whole tended more to give a clearer picture of what kind of a man Elitcher was. It also brought out that Elitcher had retained the law firm of O. John Rogge without knowing beforehand that this firm also represented David Greenglass—an almost incredible coincidence, suggested Bloch with a snide glance at Saypol, who protested vigorously.

"I think this whole cross-examination is taking a turn that

is wholly unfair to the prosecution. First there is an implication that the United States Government recommends lawyers—"

Judge Kaufman shot Saypol a warning look. "Well, you had better be prepared, Mr. Saypol, for many many more implications by the defense in this trial. That is not unusual, but as I have told the jury before, they are not to decide this case based on inferences from attorneys, but from the replies of the witnesses."

Bloch also brought out that both Elitcher and his wife were under psychiatric counseling from 1947 to 1948 and from 1949 to 1950 because of marital problems. If the faces of the jury reflected anything, it was sympathy.

Bloch gave up on Elitcher in midmorning, and Kuntz took over on behalf of Sobell after a short recess and struck a few modest blows for his client. Elitcher agreed that from 1939 to 1941, when both worked for the Navy, Sobell never took any secret documents that he, Elitcher, was aware of, and never suggested that he, Elitcher, take any either.

Kuntz' questioning was of the rapid and pressing variety, and his demands for immediate answers appeared to rattle Elitcher somewhat, but for the most part it was unprofitable harassment.

Q. I just want to spend a few minutes' time, if you please, on this occasion when you came up from Washington in the car with your family, and I think that was in June of '48, am I right?

A. It was July.

Q. July, '48. Right?

A. Yes.

Q. You were scared to death at that time, were you not?

A. Yes.

Q. You have been scared to death ever since, have you not?

A. Yes.

Q. Talk up. Let these people hear you.

A. Yes.

Q. You had determined that you were going to save yourself, hadn't you?

A. No.

Q. Well, you want to save yourself, don't you?

A. Yes.

Kuntz set off an acrimonious protest from Saypol moments later when, attacking the credibility of Elitcher's story of accompanying Sobell to Catherine Slip with a film can full of "dangerous material," he asked Elitcher: "And he took you along to be a witness to his carrying valuable material; is that it?"

Saypol's objections, that this implication was not that embodied in Elitcher's testimony, was overruled by the judge with the comment that he would let the jury decide what the testimony was.

Kuntz' purpose was fairly evident; that Elitcher's testimony linking himself jointly to espionage and Sobell and Rosenberg was so convenient it couldn't be true.

Kuntz pursued this further. He asked Elitcher if he had told the Catherine Slip episode to the FBI during the first interview with them. Elitcher said that he had not.

Q. Were you trying to conceal it?

A. At the time, perhaps.

Q. In other words, you were trying to lie to the FBI, weren't you?

A. No. I omitted it, but I didn't—all right, I lied.

Kuntz' pugnaciousness not only antagonized Saypol, who appealed to the court to subdue him, but the judge himself took offense at Kuntz' force and smartly admonished him, "Don't raise your voice to me."

Kuntz' stream of apology suggested not that he was frightened, but that he regarded Kaufman as a man capable of bearing a grudge.

"I am sorry, Judge; I am sorry, Judge; it means nothing; it is my customary way, your Honor."

"I will accept your answer."

"I have never tried a case in any different way."

"Proceed."

"I assure you."

"All right."

"All the judges have occasion at times to say the same thing, but after a while they get to know me."

"Very well."

Kuntz had no other questions, but he joined the other defense counsels in a private gathering before the bench to move that sufficient discrepancies had been developed in Elitcher's testimony to justify an examination by the judge, if not by the defense, of Elitcher's statements to the FBI and a transcript of his grand jury testimony.

Judge Kaufman acknowledged that he might well ask to inspect the FBI statements, in view of Elitcher's admission that he had withheld information. But he said he felt the defense had uncovered all it could weighing on the credibility of the witness. He would permit Saypol to conduct his redirect examination before deciding, he said. Perhaps Saypol and the witness could clear up the discrepancies. What Saypol did do was to draw from Elitcher redundant assurances of the virtuous conduct of the FBI—the agents had treated him with gentlemanly respect, they had been zealously careful to inform him of his Constitutional rights, and to warn him that he need not say anything and that anything he did say might be used against him. They made no promises nor even suggestions. In fact, when Elitcher took the stand briefly after lunch for re-cross-examination by Emanuel Bloch, he pointed out that not only had the FBI made no promises, they did nothing to dispel his unspoken fear that if he went with them to their offices, "I was sure I would be taken into custody."

When Elitcher stepped down, Judge Kaufman directed the government attorneys to deliver to him all notes and statements of Elitcher taken by the FBI, and the minutes of Elitcher's appearances before the grand jury.

Fourth Day (Afternoon)

THOSE in the courtroom who were watching Ethel when her brother, David Greenglass, was called to testify, swear that her face turned the color of flour and that David never once was able to look her in the eye as he unraveled a narrative to condemn her.

His voice, however, was stronger than Elitcher's and he received fewer requests to speak up. A tall yet stocky young man, with a pleasant and heavy-jowled face and thick black hair, Greenglass sat erect in the witness chair with an air of confidence, his hands folded passively in his lap.

Whether or not the jury realized then that he was the government's star witness, they were profoundly attentive, several of them leaning forward from time to time as though anxious not to miss a word. Greenglass testified for only an hour and a half that day, and there was hardly a newspaper in the nation that didn't consider it the day's international sensation. He was led through this momentous day in court by the man who had worked months to prepare him for it, Roy M. Cohn, the handsome, brilliant young Assistant U.S. Attorney whose career as a front-page crusading uncoverer of Communist treacheries was still ahead of him.

David Greenglass, who had already pleaded guilty to his role in this alleged espionage conspiracy against his homeland, was twenty-nine years old, a native New Yorker, a married man and the father of a boy, four, and a girl, nine months. He was educated at P.S. 4, P.S. 97, the Haaren Aviation School, Brooklyn Polytechnic Institute and Pratt Institute, and was a machinist by trade. He was drafted into the United States Army in April, 1943, underwent basic training and courses in the Army Ordnance School, all at Aberdeen, Maryland.

Between July of 1943, when he left Aberdeen, and July of 1944, David served at Army posts all over the country and then was suddenly assigned to Oak Ridge, Tennessee, the headquarters of the Manhattan Engineer District, the Army's official des-

ignation for the project of developing the atomic bomb. David spent only two weeks at Oak Ridge, listening to security lectures and being advised that he was now a part of a "secret work," before being shipped to Los Alamos, the home of the A-bomb, where he spent the remainder of his Army duty. And until November of 1944, when his wife Ruth came to visit him, David didn't even know what kind of a project he was working on; his wife told him that Julius Rosenberg told her that David was working on the atomic bomb.

David was one of 10 machinists engaged in projects that had to do with high explosives. His superior was Dr. George Kistiaowski, formerly of Harvard University, who was identified to David as a name to be reckoned with in the field of physical chemistry. They were all known as members of the "E" group.

In time, Greenglass was promoted to assistant foreman of the shop and a year later, to foreman, a position he held with the rank of T/4 Sergeant until February of 1946 when he was discharged. The shop where Greenglass worked was one of three that machined equipment to the order of scientists working on the bomb. There was some expansion of the shop later, and it was moved into larger quarters called the "Theta Building."

In addition to lectures emphasizing to Greenglass and his co-workers the secrecy of the project, they were also issued a booklet outlining specifically the terms of security. Personnel were not permitted to describe in letters or conversations either the type or nature of their work in any way, nor were they permitted to even mention that they were at a place called Los Alamos. Their mailing address was P.O. Box 1663, Sante Fe, New Mexico. All mail was censored.

A copy of this booklet was introduced in evidence over the outraged objections of the defense which argued that it had nothing to do with the Rosenbergs.

In further interests of secrecy, Greenglass continued, the Los Alamos project was highly compartmentalized with personnel restricted to the area in which they were actually working. This compartmentalization was preserved by the use of colored badges.

Despite the pseudonyms given to many of the world-famous scientists employed there—such as Dr. Neils Bohr who went under the name of Baker—Greenglass soon uncovered their real identities and became acquainted with several, including Dr. J. Robert Oppenheimer, the physicist who was in charge of the entire project, Dr. Harold Urey, and Dr. Walter Koski.

(Dr. Koski, seated in the courtroom audience, is asked to rise.)

Q. Do you recognize Dr. Koski here in court?

A. I do.

Q. Did you do any work at any time in connection with apparatus that Dr. Koski required in the course of his experimentation with atomic energy?

A. I did.

Q. Did you specifically work in the machining of a flat-type lens mold and other molds which Dr. Koski required in the course of his experimentation on atomic energy?

A. I did.

Greenglass also knew about the world's first atomic explosion at Alamogordo, New Mexico, some time before it took place.

Cohn shifts his inquiry at this point to the fact that Greenglass was seventeen years old when his sister married the defendant Julius Rosenberg.

Cohn asks: "Now did you have any discussion with Ethel and Julius concerning the relative merits of our form of government and that of the Soviet Union?"

But before he can answer, both Emanuel Bloch and his father are on their feet.

"Objected to as incompetent," protests the elder Bloch, "irrelevant and immaterial, not pertinent to the issues raised by the indictment and the plea."

"And upon the further ground," adds his son, "that this will obviously only lead to matters which may tend to confuse the jury and inject inflammatory matter which will make it difficult or almost impossible for the jury to confine themselves to the real issues of the case."

Cohn argues it is most relevant and cites a U.S. Supreme

Court ruling that statements revealing sympathy for Hitler were admissible as evidence in the treason trial of Nazis in the United States during World War II.

Judge Kaufman overrules the Blochs' objections, but Emanuel Bloch buttresses them with considerable amplification and it is several minutes before Kaufman overrules these, too, and Greenglass is permitted to state that there were many such conversations, going as far back as 1935, and that Julius and Ethel greatly preferred "Russian Socialism" to capitalism.

The defense is rescued by a short recess, after which Cohn and his witness resume:

Ruth Greenglass came to Albuquerque to be with her husband on their second wedding anniversary, in November of 1944. She stayed at a hotel and David got a three-day pass plus a weekend and spent five days with her. One evening they walked hand in hand out Route 66 toward the Rio Grande River on the western outskirts of the city and:

Q. Will you tell us, Mr. Greenglass, what your wife said and what you said?

A. My wife said that while she was still in New York, Julius Rosenberg invited her to dinner at their house at 10 Monroe Street. She came to dinner and later on there was a conversation between the three present, my sister and my brother-in-law. It went something like this: Ethel started the conversation by saying to Ruth that she must have noticed that she, Ethel, was no longer in Communist Party activities—

Emanuel Bloch is standing and objecting. These references to Communism introduce "an element of proof of another separate and distinct crime" and not the one for which the defendants are on trial.

Judge Kaufman eyes Bloch with a hint of impatience. "The mere fact that the word 'Communism' is mentioned does not taint all the testimony and make it inadmissible if it is otherwise relevant."

"And," Judge Kaufman adds testily, "you have stated your

objection. You stated it yesterday and you stated it, I believe, the day before, too."

"I think that is so, your Honor."

"And I have your objection," the judge replies, "and I have made my ruling."

Q. Go ahead, Mr. Greenglass.

A. Ethel said that they don't buy the *Daily Worker* anymore or attend meetings, club meetings. And the reason for this is that Julius has finally gotten to a point where he is doing what he wanted to do all along, which was that he was giving information to the Soviet Union. And then he went on to tell Ruth that I was working on the atomic bomb project at Los Alamos, and that they would want me to give information to the Russians. My wife objected to this, but Ethel said—

Fresh objections are waved aside by the judge, and David completes his report on this anniversary walk with his wife. The Rosenbergs beat down her protests by saying that David would want to know about it, that he would want to help the Russians, and that the least she could do was give him the message. David and Ruth argued back and forth, but the next day he changed his mind and told her what Julius wanted to know.

He described Los Alamos, its layout, its buildings, the names of its scientists, the number of people employed. Ruth memorized it all because Julius instructed her specifically not to write it down.

Ruth returned to New York the very next day and David himself went home on furlough in January of 1945. Julius came to his apartment at 266 Stanton Street one morning and David wrote down everything he had told Ruth and a little more besides and gave the notes to Julius. Then Julius explained to him the principles of nuclear fission, so David reciprocated by drawing sketches of the various lens molds he had been machining in his shop.

At this juncture, Judge Kaufman adjourns court for the

weekend and warns the jury to stay away from the newspapers, the radio and television, because "this case, apparently, will arouse a lot of interest."

Fifth Day

THE jury was excluded from the courtroom for the first half hour while Judge Kaufman and the lawyers aired some fascinating matters.

First, Judge Kaufman turned over to the defense for their inspection the FBI dossier on Elitcher and the grand jury minutes, but he ruled that they would have to read them during the lunch recess and that if they intended to recall Elitcher to the stand in an effort to impeach him, they would have to do it today. He refused to delay the trial over what he termed a "so-called side issue." The judge also said it was his opinion that Elitcher's statement was "a very good, honest, logical story, consistent with what he told here in court." And if the defense did not call Elitcher back to the stand, then neither could the prosecution, a ruling Saypol protested.

Secondly, Saypol advised the court, "in a precautionary sense," that Elitcher had received an anonymous letter the previous Saturday which said only "watch out for the time bomb," and that he had notified the New York Police Department. Emanuel Bloch was obviously shocked at such a crude attempt to intimidate a witness, and assured the court he knew nothing about it, and that if he found out anything about it, he would report it to the court.

"I hope so," said the judge, and directed the marshals to bring in the jury while the clerk called David Greenglass back to the stand.

During Julius Rosenberg's visit to his apartment, Greenglass said, he not only gave him lists of names of scientists, physical descriptions of the project installation and sketches of lens molds, but he also gave him a list of names of other workers at

Los Alamos who might be sympathetic to Communism and who therefore might be willing to commit espionage.

Cohn then introduced as evidence a copy of the sketches Greenglass said he gave to Rosenberg. Greenglass had made the copy in his Tombs cell over the weekend and they were as near to the original as he could recall after six years. The defense objections fired at these sketches were perhaps the most vehement thus far, challenging the accuracy of anything as complex as a mechanical device drawn from a memory six years old.

Kaufman overruled the protests, and admitted the sketches as secondary evidence. Whereupon Greenglass explained the sketches to the jury.

It was a mold in the shape of a four-leaf clover. A high explosive was poured into the mold and the explosive thereupon assumed the shape of the mold.

While he was drawing these sketches for Julius, Greenglass said, his wife and Julius' wife were typing the other information which he had written out in longhand.

Ruth and David went to the Rosenbergs' for dinner a few nights later and met a woman there named Ann Sidorovich, who left shortly after their arrival. She, Julius explained, would probably come to Albuquerque to pick up whatever future information David had. She was to be the courier. Julius said the best way to work it would be for Ruth to return west with her husband and relay information to Ann Sidorovich. They could meet in a Denver movie theater, Julius said, and exchange purses, or something like that. And if she is not to be the courier, Julius added, then some means of identification would have to be developed. He disappeared into the kitchen and returned with a side panel from a box of Jello. He cut the panel in half and gave half to Ruth. Whoever comes, he explained, would have the other half which he then stuffed into his pocket.

With the court's permission, and under the baleful gaze of the defense, Cohn then gave Greenglass a Jello box side panel and a pair of scissors and asked him to cut it as he remembered Julius had cut it. The two sides were then marked Exhibits 4a

and 4b and submitted as evidence. The defense remained silent and Cohn and Greenglass plunged on.

If the Denver movie theater plan was discarded, they all decided that whoever came with the Jello box panel half would meet Ruth in front of the Safeway store in Albuquerque. The remainder of the evening was given over to discussions of Los Alamos and promises by Julius that the Greenglasses would be well paid for any information they delivered. At one point, Ruth remarked that Ethel looked tired, and Ethel explained that she had been staying up late, typing Julius' espionage reports. Before the Greenglasses went home, Julius told David he wanted him to meet a Russian friend and discuss lens molds.

Q. Did anything further come of Julius' statement that he wanted you to discuss this lens with the Russian?

A. Yes.

Q. Tell us.

A. Well, a few nights later an appointment was made for me to meet a Russian on First Avenue, between 42nd and 59th streets, it was in that area.

Q. Who made the appointment?

A. Julius made the appointment.

Q. When was it in relation to the dinner meeting?

A. It was a few days after. I took my father-in-law's car and drove up there. It was about 11:30 at night. I remember coming up the street. It was quite dark and there was a lighted window. I passed that in parking—it was a saloon—I parked up the block from it and in a little while Julius came around the corner, looked into the car, saw who I was, said 'I will be right back,' brought back a man; introduced the man to me by first name, that I don't recall at this time, and the man got into the car with me. Julius stayed right there and we drove around.

Q. Let me see if I understand it . . . was Julius in the car or not?

A. He was not in the car.

They drove around midtown Manhattan for twenty minutes, with the Russian asking technical questions David could not

answer. When they returned to the original meeting place, the Russian got out without a word and walked off with Julius, who directed David to go home.

David returned to Los Alamos January 20th and his wife did not join him until late March or early April. For a time they occupied the apartments of fellow soldiers, then found a place of their own at 209 N. High Street, just off Highway 66 in the center of Albuquerque. It was a two-story wood and stucco home which had been converted into apartments.

On the first Sunday in June, 1945, at about 9 A.M., Ruth and David were eating breakfast when there was a knock at the door and there stood Harry Gold.

"... he asked if I were Mr. Greenglass and I said yes. He stepped through the door and he said 'Julius sent me,' and I said 'oh' and walked to my wife's purse, took out the wallet and took out the matched part of the Jello box."

"Gold then produced his half, the half that David had last seen going into Julius' pocket, and asked David if he had any information. David said he would have to write it down and Gold said he would be back in the afternoon.

Before Gold returned, Greenglass "... got out some 8 by 10 white ruled line paper, and I drew some sketches of a lens mold and how they are set up in an experiment, and I gave descriptive material that gives a description of this experiment."

Gold arrived about 3 P.M., took the report which Greenglass had placed in an envelope, handed Greenglass an envelope obviously containing money and asked if it would be enough. David said yes, without looking at it. Gold said he knew Greenglass needed the money and added that he would see if he could get more. When he left, David and Ruth walked with him as far as the USO nearby and returned to their apartment where they counted the money. It was \$500. David gave it to Ruth.

Cohn put more replicas of David's schematic sketches into evidence, over Emanuel Bloch's protests. Judge Kaufman said the jury would have to decide whether the sketches amounted to evidence.

To help the jury decide, Cohn removed Greenglass from the witness chair and Saypol put there in his place Dr. Walter S. Koski, associate professor of physical chemistry at Johns Hopkins University, consultant to the Brookhaven National Laboratories, and from 1944 to 1947 an engineer at the Los Alamos atomic project specializing in research on implosion lenses for detonating atomic bombs.

Dr. Koski was a precise and intense man, in the image of his profession, and he explained at Saypol's request the difference between "implosion" and "explosion."

"... in an explosion, the detonation wave, the high pressure region, is continually going out and dissipating itself. In an implosion, the waves are converging and the energy is concentrating itself."

"I take it," suggests Saypol, "concentrating as if toward a common center."

Dr. Koski nods. "Toward a common center."

"In other words," Saypol interprets, "in explosion it blows out; in implosion it blows in."

"Yes," affirms Dr. Koski.

The witness further explained that his work included the design of various molds to shape high explosives so they would implode with ever-greater efficiency and force. Like a glass lens which focuses light, an explosive lens focuses the force of an explosion or an implosion.

He would design an experimental lens and take it to the Theta shop to have it made. Then the mold was taken to some remote New Mexico desert area, the explosive cast and test-detonated. He had seen Greenglass many times in the Theta shop.

He is asked if Greenglass' descriptions of the functions of the lens are accurate.

They are; he says.

He is asked if Greenglass' drawings are replicas of his own design sketches of lens molds.

Indeed they are, he says.

He is asked about the other Greenglass sketches.

They are, he says, rough sketches of experimental setups for studying cylindrical implosions.

He is also asked if Greenglass' descriptions of the work in progress at Los Alamos are "reasonably accurate."

They are, he says.

Dr. Koski is also allowed to say, despite heated defense protests, that this entire field of experimentation was new and original and of immense advantage to a foreign power.

Under cross-examination, redirect examination and re-cross-examination, all of it brief, Dr. Koski makes it clear that while Greenglass' sketches disclose the principle of the experiment, they fail to give the dimensions of the lenses. The overall dimensions are not too important, he says, but the relative dimensions are; that is, the size of one element in relation to another. However, the principle was the most important factor.

Would the information contained in the Greenglass drawings and descriptions be sufficient to indicate to foreign experts exactly what was being developed at Los Alamos?

Yes, said Dr. Koski, it would.

And the court adjourned for lunch.

The defense studied Elitcher's confidences to the FBI and grand jury during lunch and decided against trying to discredit him on that basis; Kuntz and Phillips, however, complained that they had not had sufficient time to review the material and requested that Elitcher be held for another day. Judge Kaufman refused. He personally had read all the material in thirty-five minutes, and didn't see why Kuntz and Phillips couldn't do it in an hour and a half.

"Maybe I am not as quick-witted as the Court," said Phillips.

"You are very quick-witted," said the judge, and Greenglass was called back to the stand.

After the Gold visit, Greenglass next saw the Rosenbergs in September of 1945 when he was granted another furlough. Julius came to Ethel's mother's apartment at 64 Sheriff Street, where Ruth and David were staying, the morning after their

arrival and wanted to know what kind of information David had this time.

David replied that he thought he had a pretty good description of the atomic bomb; not the Hiroshima-type bomb, which Julius described to him and which was detonated by an explosion ramming together two bodies of fissionable material, but the Nagasaki-type, which was a great advance over the other and which was set off by an implosion.

Greenglass rounded up this information over the months by talking to an ever-widening circle of acquaintances at Los Alamos and by asking questions whenever he saw something he didn't understand.

After Julius left, David began writing and drawing again and turned out a "pretty good" schematic sketch and a wordy description of the Nagasaki bomb and how it operated. He delivered it to a delighted Julius later that day and Julius gave him \$200.

When Cohn moved to offer David's replicas of these sketches in evidence, he lowered over the courtroom the mysterious mantle of nuclear secrecy and created around Greenglass, however unwittingly, a bright aura of a man who has seen and knows what no other human has seen or knows.

Emanuel Bloch was willing to waive all this secrecy and theatrics and stipulate to whatever the government expected to prove by having a machinist dissect the atomic bomb in court. Kuntz and Phillips, however, said they considered stipulating even the weather to the prosecution's benefit would be to betray their client.

The Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy had declassified all of Greenglass' impending testimony for the sole purpose of preserving the Constitutional guarantees that the accused be fully confronted with the nature of his crime.

Judge Kaufman, however, reluctant to advance the comforting theory that whatever Greenglass had to reveal was doubtless already known to "foreign powers," ordered the courtroom cleared of spectators. The press was permitted to remain and

admonished to use “good taste and good judgment” in reporting this portion of the Greenglass testimony. Also on hand were representatives of the AEC and the Joint Committee, spotted in the bleachers like scouts from a rival football team.

All eyes were on Greenglass, outwardly self-assured and unbetrayed by mannerisms, as he described the Nagasaki-type atomic bomb. Most of the newspapers related simply that it was a nest of metal spheres, one inside the other, the fissionable elements squeezed together to create fission by thirty-six “implosion” lenses containing conventional high explosives. It was triggered by a device which responded to barometric pressure, enabling the bomb to be exploded at a specific altitude following its drop by parachute from aircraft.

(The Nagasaki bomb, or “Fat Man Bomb” as it was called at Los Alamos, was vastly more efficient than the Hiroshima bomb which was detonated by firing one mass of fissionable matter into a second mass. The explosion itself tended to dissipate the force of the bomb by scattering the elements and terminating the chain reaction too soon. The implosion detonation squeezed the fissionable matter together until maximum fission occurred.)

The remainder of the day was given over to less dramatic sensations.

As Ethel and Ruth were typing David’s latest reports on Los Alamos and its bomb, Julius was boasting in his quiet way about all that he had done to further the military development of the Soviet Union at the expense of the United States.

He told about how, when he was working at Emerson Radio Corporation, he slipped a model of the proximity fuse—which was to inflict American casualties on the battlefields of Korea—into his briefcase and out of the plant, to be delivered to his Russian friends.

Julius was busy traveling, too, said Greenglass; to Cleveland where he collected data from the Warner-Swasey turret lathe plant, and to Schenectady for espionage reports from General Electric.

The most startling piece of information, to David, was Julius’ report that U.S. military scientists were working on a “sky plat-

form," which he described as "some large vessel which would be suspended at a point of no gravity between the moon and the earth and as a satellite it would spin around the earth."

When Julius had information for the Russians, he told David, he would go to an unnamed motion picture theater and deposit in a recess in an alcove wall either his information or a request for a meeting which would then be arranged at some lonely spot on Long Island.

The Russians were most grateful for what Julius was doing and, in addition to money, had given both Julius and Ethel a wristwatch, and a certain mahogany console table.

Before David returned to Los Alamos, Julius pleaded with him to remain there as a civilian employee after his discharge from the Army, but David balked. He wanted to come home. As an alternative, Julius suggested David attend college to study nuclear physics and renew his acquaintance with the scientists he had met at Los Alamos. Tuition would be paid by the GI Bill, Julius pointed out, and the Soviet Government would supplement his income. David said he would think about it.

Cohn said he had concluded one area of inquiry and perhaps Judge Kaufman would just as soon adjourn for the day, and the judge did.

This was the same day that Alger Hiss lost his last appeal to the higher courts and made ready to enter federal prison.

Sixth Day

DAVID GREENGLASS showed great restraint during his second full day on the stand and kept his eyes off his sister, whose complexion had recovered some of its natural color.

Roy Cohn, his voice ringing with more assured authority and expectation than ever, picked up the threads of the spy saga and Greenglass spun them into a dazzling sequel to what had gone before.

David was discharged from the Army at Fort Bliss, Texas, in

February of 1946 and came home to embark on his ill-fated machine shop venture with Julius and Bernard Greenglass and their various financial backers. After the shop partnership was dissolved and Greenglass had gotten himself a job, he saw virtually nothing of the Rosenbergs until February of 1950, shortly after Klaus Fuchs was arrested in England. Julius came to him one Sunday morning, got him out of bed and took him on a walk through Hamilton Fish Park.

"He told me . . . 'you remember the man who came to see you in Albuquerque? Well, Fuchs was also one of his contacts' and that this man who came to see me in Albuquerque would undoubtedly be arrested soon and if so it would lead to me.

"... And Rosenberg said I would have to leave the country; think it over and we will make plans to go."

Julius said he would get escape money for David and that there would be no problem in leaving the country, that more important people than David had been able to get passports. He named a mutual acquaintance, Joel Barr, and identified him as a member of the same spy net who had gone to England.

David asked why the man who had come to him in Albuquerque didn't leave the country too, and Julius replied, enigmatically, "Well, that's something else again."

Two months later Julius came to David's apartment again, advised him that the route of escape would be through Mexico and to get ready; he also asked David to sign over his share of stock in the defunct machine shop.

On May 22, Ruth Greenglass came home from the hospital after giving birth to her second child, and Julius appeared the very next morning, excitedly waving a copy of the *Herald Tribune*. The story of the arrest of Harry Gold was on the front page, and so was Gold's picture which David failed to recognize. David would have to flee immediately, Julius said, and gave him \$1,000, promising an additional \$6,000. Then they went for a walk and Julius outlined the mechanics of escape.

David and his family were to go to Mexico City, after first obtaining smallpox vaccinations and passport photographs. In

Mexico City, David was to write a letter to the Soviet Embassy, making references to the Soviet position in the UN, and sign the letter "I. Jackson." Three days later, at 5 P.M., he was to go to the Plaz de la Colon, hold a tourist guidebook in his hand and stare at the statue of Columbus there. He would be approached by a man who would give him false passports for the next leg of his journey, which would be either Switzerland or Sweden. There he would repeat the process and further transportation would be arranged, the ultimate destination being Moscow.

Julius and Ethel and their children would follow a similar route, Julius said, but at a different time. Julius said he feared that he was known to Elizabeth Bentley and that in time he would be caught.

The following Sunday, David and Ruth and the two children went to a photo shop at Clinton and Delancey streets, near the Apollo Theater, and obtained six sets of photos, five of which he gave to Julius and one he retained, later giving it to the FBI.

A week after Memorial Day, Julius roused David from bed in the early morning and gave him \$1,000 in ten- and twenty-dollar bills wrapped in brown paper, and took David on another walk, to repeat the escape instructions.

David saw Julius only once after that, and for the last time. Julius came three or four days later and asked David if he were being followed. David thought he was and Julius said he was, too. Julius had planned to go to Cleveland to see his contacts but had to abandon the plan because he couldn't shake his surveillance.

Despair seized David and he announced to Julius that he would not leave the country. Julius glared at him and left. David said he took the package of money and started to flush it down the toilet, but instead gave it to his brother-in-law, Louis Abel, for safekeeping.

Two weeks later, David was arrested by the FBI.

That was the end of the story as far as Cohn was concerned, and he turned Greenglass over to Emanuel Bloch who began a dogged shredding of Greenglass' credibility and to chop at

the link the prosecution had forged between this self-confessed traitor and Julius Rosenberg.

The Rosenbergs were not around when Ruth, on that first trip to Albuquerque, delivered the invitation to spy, so that anything David said Ruth said the Rosenbergs said was really hearsay twice removed.

And when he relented the second day and agreed to spy, he did so of his own volition.

And when he did make that decision, he was aware that he was committing a crime punishable by death.

And that for the spying he did do, he was well paid.

And that when he decided not to flee the country, he did not offer to give Julius back the money.

That of the money he received, prior to receiving the \$4,000, all of it went to pay urgent personal debts and that the \$4,000 went to Greenglass' lawyer, O. John Rogge.

Then Bloch began stripping away whatever he could from Greenglass' image of integrity. What did he think of himself as a spy?

Q. Did you believe you were doing an honorable or a dishonorable thing?

A. I didn't even think of it that way.

Judge Kaufman: How did you think of it?

A. I thought of it from what I had—on the basis of the philosophy I believed in. I felt it was the right thing to do at that time.

Q. You felt it was an honorable thing to do; is that what you are trying to say?

A. The right thing to do according to my philosophy at that time.

Q. And did you continue to think . . . up to and including the time you got out of the Army, that you were doing the right thing?

A. I was having my doubts.

Q. When did you begin to have doubts?

A. Almost as soon as I started to do it.

He never communicated these doubts to the Rosenbergs, he said, because he had always regarded Julius as his hero and he did not want to fail him. Even though his doubts were strongest when Julius gave him the \$4,000, he did not refuse it because he knew it was Russian money, and not Julius' money.

Q. Did you consider that the services that you rendered to the United States during your Army career warranted an honorable discharge?

Cohn: I object.

Judge Kaufman: I will overrule it. Go ahead.

A. I did my work as a soldier and produced what I had to produce and there was no argument about my work, and since the information went to a supposed ally at the time I had no qualms or doubts that I deserved the honorable discharge.

Q. Do you feel that way now?

A. No, I don't.

Bloch also probed Greenglass' moral attitudes toward his wife, his children (both of whom he avowed he loved more than himself, a statement which brought a quizzical frown from Judge Kaufman) and toward Ethel. He loved his sister, he said, and acknowledged that if she were found guilty she could well be executed.

Bloch next assailed the credibility of all David's testimony, from beginning to end, and it filled the remainder of the day. It was an inching inquisition, and Judge Kaufman complained that it consumed too much time and produced too little information and periodically he would call a halt to Bloch's questioning, remarking somewhat tartly that the subject had been covered. When court adjourned for lunch, Kaufman asked Bloch to review his notes during the recess and try to shorten the cross-examination. Whether he did or not, it ran on all afternoon, the questions growing increasingly minute in substance, with Bloch frequently cutting Greenglass off in the middle of an answer, a habit that brought a complaint from the witness and a criticism from the judge.

Bloch wrung from him an admission that when he hired

Rogge as his attorney, he did not know whether he would fight the case or plead guilty, even though he had told the FBI everything. It was only later, when Greenglass apparently realized an unspoken consideration that his wife might be spared from prosecution, that he consented to become a witness for the government.

Toward the end of the day, Greenglass became somewhat testy and impatient, his tone of voice revealing the extent to which Bloch was annoying him.

Bloch also put into the record the witness's anxious awareness that he had not yet been sentenced for his part in the conspiracy, although he had pleaded guilty. The inference was that hopes for leniency might color his testimony against the Rosenbergs.

Seventh Day

EMANUEL BLOCH fished in the turgid waters of David Greenglass' memory all morning, to the exasperation of the prosecution and the irritation of the judge, both of whom protested Bloch's redundant, minuscule questioning. It covered David's prior testimony, statement by statement. Members of the jury were stifling yawns by midmorning and members of the press had begun to whisper irrelevancies to each other. The hushed shuffle of people entering and leaving the courtroom was more pronounced, and on those that remained there appeared to settle a lassitude of boredom.

For what little information this endless cross-examination turned up—principally that David was color blind and didn't know the true color of the infamous torn Jello box panel—its tediousness served to take the spice out of Greenglass' entire testimony by taxing heavily the jury's faculties for retaining facts. Perhaps this was what Bloch was aiming at; he seemed to be trying to suffocate them in dates and names and places.

Judge Kaufman commented from time to time that he failed

to see the materiality of it all, but that he was giving Bloch more latitude than the rules of trial conduct required.

One tiresome avenue of questioning did lead somewhere. It began with a detailed reconstruction of the affairs of the machine shop, unveiling the fact that there were constant quarrels between the partners—David, Julius, Bernard, and their wives—over the way the shop was managed. The point of it all was that David lost all the money he had invested in the shop, an amount he estimated as “a few thousand dollars.” Julius agreed to buy him out for \$1,000 in August of 1949, but never paid. Greenglass admitted that he had asked his attorney, Rogge, to collect the \$1,000.

When David Greenglass left the stand shortly before the luncheon recess, there was a discernible rustle of expectation among the spectators because the next witness was David's wife, Ruth.

She turned out to be a handsome, buxom young brunette with long hair done up in a rolled bun across the back of her neck. It was a poor hair style for her, because it made her face rounder than it was and exaggerated the protrusion of her ears. She might have been Mrs. America, however, for her self-possession and poise were striking.

Her examiner was Assistant U.S. Attorney James B. Kilsheimer III, twenty-nine years old, a bland but evenly competent man who matched the witness nicely in poise.

Kilsheimer swept her briefly through what might be termed the opening amenities of testimony, and then dived into that fateful conversation of November, 1944, when Ruth left New York for Albuquerque to be with her young husband on their second wedding anniversary. Julius told her that he was a Soviet espionage agent and that his Russian friends had told him exactly what David was doing in Los Alamos.

“I said that I had received an affidavit from the War Department telling me that my mail to David would be censored, and his to me, because he was working on a top secret project. . . . I wanted to know how he knew what David was doing. He said that his friends had told him that David was working on the

atomic bomb . . . the most destructive weapon used so far, that it had dangerous radiation effects, that the United States and Britain were working on this project jointly and that he felt this information should be shared with Russia, who was our ally at the time, because if all nations had the information then one nation couldn't use the bomb as a threat against another. . . ."

For the rest she confirmed David's testimony with embellishments such as Julius' warnings to David not to talk politics or try to steal blueprints, but only to pass on what information he could safely take from Los Alamos in his memory. And before she left for Albuquerque, Julius gave her \$150.

Apart from their one talk about Julius' request for information, Ruth and David had an idyllic five days in the Hotel Franciscan. David gave her information Julius sought and she relayed it to Julius on her return to New York.

The turning point in the story, said Ruth, came the night in January, 1945, when she and David, who was then in New York on furlough, went to the Rosenbergs' for dinner and Julius said to her:

" 'How would you like to go to Albuquerque to live?' I said I would be very happy to be near David and he said, 'Well, you are going there.' . . . he said I would probably be able to find a job, but not to worry about the money."

The incident of cutting the Jello box came afterward, and when they all remarked at its cleverness, Julius said, "Oh, 'the simplest things are always clever.'" Ann Sidorovich had been there earlier in the evening, and Ruth felt sure she would recognize her again when they met in the Denver movie theater or in front of the Albuquerque Safeway supermarket.

David and Julius spent the evening talking about how atomic bombs were detonated, while Ruth and Ethel chatted.

" . . . Ethel said that she was tired, and I asked her what she had been doing. She said she had been typing; and I asked her if she had found David's notes [which she had typed that day] hard to distinguish. She said no, that she was used to his handwriting.

"She said that Julius, too, was tired; that he was very busy;

that he ran around a good deal; that all his time and his energies were used in this thing; that was the most important thing to him; that he was away a good deal and spent time with his friends; that he had to make a good impression; that it sometimes cost him as much as fifty to seventy-five dollars an evening to entertain his friends. . . ."

At the evening's end, Julius again told Ruth not to worry about money. From then on, he said, there would be money for David and Ruth, and it wouldn't be a loan; it would be a gift. It was much later, Ruth said, that she asked Julie where he got all this money and he told her it was from the Russians.

A few days before Ruth went west to rejoin her husband, Julius visited her. Her sister Dorothy, later the wife of Louis Abel, was present and Julius asked her to leave the room, which she did. Julius told Ruth to stand in front of the Safeway store in Albuquerque at a time to be specified in the last week in April or the first week in May and that someone would contact her.

It was after she arrived in Albuquerque, and suffered a miscarriage, that she received a letter from Ethel expressing sympathy over her illness and saying "a member of the family will visit you the last weeks in May, the third and fourth Saturdays." Ruth took this to be a code and went to the Safeway store on those days, but nobody showed up.

Judge Kaufman gave the court an hour for lunch, and then Ruth spent the remainder of the day on the stand. It was essentially the same story as that of her husband, supported by the minutiae of feminine detail that weighed to its credibility.

Of the \$500 given David by Harry Gold during his Sunday morning visit to their apartment, Ruth deposited \$400 in the Albuquerque Trust and Savings Bank, bought a \$50 War Savings Bond and spent what was left for household expenses.

Fear gripped Ruth in September of 1945, when they both went to New York on David's furlough and David gave his momentous A-bomb report to Julius. She and David argued about it beforehand.

"... The bomb had already been dropped on Hiroshima and

I realized exactly what it was and I didn't feel the information should be passed on. However, David said he was going to give [information] to Julius again...."

During one of these visits to the Rosenberg apartment, Ruth admired a mahogany console table and asked Ethel where she had bought it. Ethel replied it was a gift from one of Julius' friends and Julius added that it was a very special table. He turned it on its side to show her.

Q. And what did he show you when he turned the table on its side?

A. There was a portion of the table hollowed out for a lamp to fit in underneath it so that the table could be used for photographic purposes, and he said that when he used the table he darkened the room so there would be no other light and he wouldn't be obvious to anyone looking in.

Q. And did Julius Rosenberg tell you what he photographed using the table?

A. Yes. He took pictures on microfilm of the typewritten notes.

The rest of it was totally familiar. The offers to David after the war to go to college at Russian expense; the machine shop troubles and its subsequent failure; Julius' anxiety over Klaus Fuchs and Harry Gold and his plans for the Greenglasses to flee the country; the passport photographs; the visits of the FBI; Ruth's and David's decision not to flee; their last meeting with a frantic Julius, and finally David's arrest.

There was one other thing. After David was arrested, Ethel came to see her with gifts and begged her to tell David that he must deny everything. Julius had been questioned, too, had proclaimed his innocence, would continue to proclaim his innocence, and David must do the same.

Alexander Bloch began his cross-examination in midafternoon. Unlike his intense and relentless son, the elder Bloch was a gentle and disarming contrast, but Ruth Greenglass answered him with a tone of taut resolve.

She confessed her knowledge that the whole adventure had

been wrong from the start, although it may not have occurred to her that it was a capital crime. Even when the specter of the FBI came to haunt them, Ruth did not believe it was David they wanted, "but somebody more important."

She had really wanted to go to the FBI in 1946, she said, but then it all died down and she hoped it would be forgotten. But they had resolved to tell the truth if they were exposed.

She had accepted money from Julius not as pay for spying at first, but simply in the spirit of one relative helping another. It was only as more payments were made that she viewed it in a disagreeable concept of "C.O.D.—you deliver information and you get paid."

When David was arrested, Ruth was in the hospital with an infection of the burns she had suffered during the winter. Rogge had come to see her there and she told him the whole story; never at any time did she resolve to fight the charges against David. Asked if Rogge intimated to her that she might escape prosecution if she testified for the government, she said no; that he only urged her to tell the truth. She realized now that her earlier hopes that it would all fade into the past were just wishful thinking. She testified before the grand jury and to the FBI with pure and unreserved heart, she said, without calculating what the result might be.

Q. And did you at the time you spoke to Mr. Rogge hope that if you told the truth and your husband told the truth you wouldn't be punished?

A. Mr. Bloch, I have always hoped that.

Soon, however, Alexander Bloch began backtracking in the manner of his son. Saypol protested and the judge warned Bloch to stop exploring ground that had already been turned over, that he would permit him to do it no longer. Bloch pressed on but left only one new fact lingering in the jury's mind when court adjourned for the day. When Mrs. Greenglass first suggested espionage to her husband, she was only nineteen years old.

Eighth Day

THE headlines in *The New York Times* this day sent the defense scurrying to Judge Kaufman's bench in a mild outrage. The jury was already seated in the jury box and Kaufman warned the clamoring lawyers to keep their voices down.¹

The headline that had stirred them was this: COLUMBIA TEACHER ARRESTED: LINKED TO 2 ON TRIAL AS SPIES. The story was that of a physicist named William Perl, a member of the Columbia University faculty and a leading expert on aerodynamics, who had been indicted by the New York Federal Grand Jury for perjury arising from his denial that he had known Rosenberg and Sobell as fellow CCNY alumnae. He had been arrested by the FBI the day before on a warrant ~~signed~~ in the course of his official duties, by Judge Kaufman. It looked to the defense as though the judge might have succumbed to a slightly unethical prosecution stratagem.

Regardless of how often a judge admonishes a jury to stay away from newspapers, no judge really believes it is possible for a juror to do it.

Saypol said he resented the suggestion that he had planted the Perl incident in the papers to influence the jury, and he wouldn't mind debating the matter in an open court.

Judge Kaufman said he would take the matter up with the counsel later in his chambers. In the meantime Alexander Bloch could get back to his cross-examination and the judge hoped he would be less circumlocutious about it than he had been the day before.

If Ruth Greenglass hadn't intended to leave the country, why had she and David accepted the \$4,000 and why had they taken passport pictures?

They did it to lull Julius into a comforting delusion, so that he would leave them alone, she said.

In fact, she said, she wanted to flush the \$4,000 down the toilet, but they gave it to Louis Abel to keep for them instead.

Q. Wasn't that money deposited with Mr. Abel so that in the event of your husband's arrest it would not be found in your possession?

A. I don't think we thought of it at that time.

Q. Well, didn't you talk it over with your husband?

The judge ordered Bloch to move on to some other inquiry. He moved on to the subject of the doomed machine shop.

It was an acrimonious time, Ruth said, Ethel complained that David wasn't doing his part, and Bernard's wife, Gladys, who had since died of Hodgkin's disease, said the trouble was that Julius was a novice salesman. The arguments were endless and frequent and involved all the members of all the families.

However, Ruth retained her "friendly feeling" for the Rosenbergs, even though Julius never paid David for his share of the stock in the machine shop.

Q. Well, aren't you a bit angry . . . at either Mr. or Mrs. Rosenberg because they did not pay you what you think you were entitled to?

A. I don't think I am angry. I just can't understand their actions because there was a debt due.

Nor could she understand why, in all the months David worked at the shop, he was paid almost nothing.

Q. Did you tell Julius Rosenberg that you thought your husband wasn't getting enough salary?

A. . . . Julius Rosenberg told me in 1947 that he didn't care whether the business was a success or not, and I was very enraged. I said that David and Bernie had put all of their earnings into that business. To them it meant something, they were earning a living; and he said he didn't care because he could get ten or fifteen thousand dollars as a front for any business for his activities. . . .

But isn't it true, Bloch asked, that a David Schein, a reputable businessman, invested \$15,000 in the shop in the hope of making money?

Yes, said Ruth, it was true.

There were three more witnesses this day. There was Dorothy Abel—a pleasant, less-poised replica of her older sister, Ruth Greenglass—who recalled Julius' efforts over the years (she was a teen-ager at the time) to persuade her that Russia possessed the ideal form of government, and who testified to the incident when Julius asked her to leave the room so he could give espionage instructions to Ruth for delivery to David. Mrs. Abel was on the stand less than 15 minutes and was followed by her husband Louis, the guardian of the \$4,000. When David brought him the money, he stuffed it into a hollow in a living room hassock, and when David called him from the FBI offices, he took the package out and delivered it to the offices of O. John Rogge as David had instructed him to do. He was on the stand less time than his wife.

The last witness was Harry Gold, courier to a generation of Soviet spies, collector of stupendous secrets from Dr. Klaus Fuchs, and the man who told the FBI all about the follies of David Greenglass.

The sinister saga of Harry Gold was a familiar one to readers of American newspapers and magazines by this time, and his entry in the courtroom was so incongruous it could only be true. He was a round and timid-looking man who wore the air of a thug, an air which dissolved when he talked; his speech was laden with pale academic precision and a kind of information-booth servility.

He was on the stand almost three hours and this was what he said:

Harry Gold had been a Soviet espionage agent for 15 years, a crime for which he was now serving a 30-year sentence in the Federal Penitentiary at Lewisburg, Pennsylvania.

(The defense took futile exception to this opening admission on grounds that Gold's mere statement did not constitute proof.)

From 1944 until 1947, Gold received his orders from Anatoli Yakovlev, the Soviet vice-consul in New York City. It was Yakovlov from whom he received instructions—along with half a Jello box side panel and a password, "greetings from Julius"

—to go to Albuquerque and pick up a packet of information from a soldier named David Greenglass. Gold had objected because on this same trip he was to visit Santa Fe, 60 miles north of Albuquerque, to pick up a similar packet from Dr. Klaus Fuchs, the British scientist engaged in nuclear research at Los Alamos. A spy courier's chances of being caught increase astronomically with each separate contact in the same area and Gold was edgy about it. But an order is an order. He met Fuchs on the Castillo Street Bridge in Santa Fe, took from him a large envelope, and chatted a few minutes. Then he went on to Albuquerque where he spent the first night in a roominghouse and checked in the next day at the Hilton Hotel. He relaxed somewhat in Albuquerque, because it was less infested with American intelligence agents. In Santa Fe they were everywhere, taxi drivers, bartenders, bellhops; it was very dangerous. On Sunday he visited Greenglass, mildly disturbed because Greenglass didn't have the information ready and he was obliged to come back in the afternoon. But nothing untoward occurred and he returned safely to New York toward the end of the following week and handed over both envelopes to Yakovlev during a 10 P.M. meeting at a lonely spot on Metropolitan Avenue in Brooklyn, near the edge of Queens. When he saw Yakovlev again two weeks later, the Russian said the Greenglass material had been "especially valuable."

Ninth Day

THE government ran out of witnesses shortly before lunch, an embarrassment attributable, Judge Kaufman modestly acknowledged, to his efficient acceleration of the trial. Court adjourned then for the weekend, actually until the following Tuesday, because Saypol had requested Monday off to attend his daughter's marriage. Judge Kaufman consented, reluctantly.

All the jury heard today were two pieces of supporting evidence, mildly incriminating. Part of it came from Dr. George

Bernhardt, the Rosenbergs' family physician for ten years, who testified that Julius telephoned him in the latter part of May, 1950 (while he was allegedly mapping the Greenglass escape), and asked what inoculations were required for entry into Mexico.

Dr. Bernhardt said he told Julius that typhoid and smallpox inoculations would be necessary unless the person were a veteran, in which case booster injections would be sufficient. Julius replied that he was inquiring on behalf of a friend who was, indeed, a veteran.

Emanuel Bloch moved midway to halt the physician's testimony, charging that it had been illegally documented by the FBI with a tap on Julius' telephone. A look of pained exasperation took over Saypol's face when Judge Kaufman asked him if this were true.

"A lot of arid nonsense," Saypol snapped, "and I ~~do not~~ like this procedure. I object to it. Let us hear the testimony."

Judge Kaufman nodded with exaggerated solemnity. "It is ridiculous," he said to Bloch, and the doctor completed his story.

Bloch managed to redeem his client somewhat on cross-examination when Dr. Bernhardt denied, contrary to the testimony of David Greenglass, that Julius had asked him to sign certificates of vaccination without actually giving the vaccinations.

The second and last witness of the day was William Danziger, City College classmate of Morton Sobell, who testified that he had received letters from Sobell in Mexico City under the aliases "M. Sowell" and "Morty Levitov." Each of the letters contained enclosures Sobell requested be forwarded to relatives. He was not cross-examined.

The defense then made what turned out later to be a serious tactical error. It agreed to stipulate to the prosecution claim that Harry Gold had registered at the Hilton Hotel in Albuquerque, New Mexico, on June 3, the day he made his visit to the Greenglass home. Bloch also consented to Saypol's introducing as evidence a photostatic copy of the registration

card bearing Harry Gold's signature, rather than to demand both the original card and the presence on the witness stand of the clerk who had registered Gold. He regretted it all profoundly after the trial, for he charged then that the registration card was a forgery. But he had lost his chance to prove it.

In view of the short court session, and the suspension of the trial while Saypol squired his daughter down the aisle, the jury volunteered to report for duty the following Friday, which was Good Friday, at least for the morning.

Judge Kaufman peered at them with benign approval.

"Well," he said, "I think that I should congratulate you upon your industry, but let us hold that in reserve as I may decide to give you a holiday on that day."

Tenth Day

FOR the first time since it began, the trial surrendered its news value to another momentous inquiry and was pushed off the front pages. The other shocking event was the vivid panorama of vice, corruption and chicanery, all of it immediate and close to home, produced by Senator Estes Kefauver and his Senate Crime Investigating Committee then holding hearings in the same building. Even attendance at the Rosenberg affair began to drop off, not that these fickle spectators missed much.

Today's score for the prosecution was slight, even though it ran through nine witnesses. They were:

Candler Cobb, director of Selective Service for New York City who submitted Sobell's draft status record showing that he had never served in the U.S. military, that he received repeated deferments and was finally classified 4-F under a medical diagnosis of "neurosis."

Colonel John Lansdale, Jr., who served as chief security officer at Los Alamos, and who testified to the elaborate precautions taken by the United States to prevent other nations—apart from Great Britain and Canada whose scientists cooperated in the development of the A-bomb—from learning the

nature of the Los Alamos project and that the mere identity of the scientists working there would reveal this. Lansdale also examined Greenglass' drawings of the atomic-bomb innards and pronounced them authentic.

John Derry, wartime liaison officer for Los Alamos, testified (after Judge Kaufman had cleared the court) Greenglass' sketch and his accompanying descriptions revealed the essentials of the Nagasaki bomb and that it all bore a "top secret" classification.

Manuel Giner de los Rios, the interior decorator who lived next door to Sobell in Mexico City. He testified (through an interpreter since he spoke very little English) that Sobell asked him if it was possible to leave the country without a passport. He replied that he knew of no way. Sobell, he said, gave as his reason for flight his fear that he was to be called to serve in "another" war. During Sobell's trip to Vera Cruz and Tampico, de los Rios received two envelopes from Sobell, but the letters themselves began "Dear Helen." The decorator gave them to Mrs. Sobell but wondered what it was all about.

Minerva Bravo Espinos, clerk in an optical store in Vera Cruz where Sobell purchased a pair of spectacles under the name "M. Sand."

José Broccado Vendrell, clerk in the Hotel Diligencias in Vera Cruz where Sobell registered under the name "Morris Sand."

Dora Bautista, clerk at the Tampico Hotel, Tampico, where Sobell registered under the name "Marvin Salt."

Glen Dennis, traffic superintendent of CMA, the Mexican airline, which carried Sobell from Vera Cruz to Tampico under the name "Sand" and from Tampico to Mexico City under the name "Morton Salt."

Lan Adomian, former employee of the Amtorg Trading Corporation, the Soviet commercial agency in the U.S., who identified photographs of former Soviet Vice-Consul Anatoli A. Yakovlev, the missing defendant in the trial and, according to the government's theory, the Rosenbergs' immediate superior in the Soviet spy net.

Yakovlev's departure from the U.S. was attested to by an official of the United States Lines in the form of an affidavit that Yakovlev, his wife and their two children sailed aboard the S.S. *America* for France on December 27, 1946.

Saypol announces for the first time today that the government's case is nearing an end, that he has no intention of calling 123 witnesses, and that further testimony will be "merely cumulative." He expects to rest the prosecution's efforts within the next two days.

Emanuel Bloch protests this "surprise" move, and asks the court for a day's adjournment to prepare for the defense.

Judge Kaufman consents to half a day, noting that he has repeatedly, throughout the trial, demanded estimates of the duration of the government's case, that this in itself should have given Bloch ample warning. Kaufman also instructs the U.S. marshals not to return the Rosenbergs to their separate houses of detention today until the defense counsel no longer needs to confer with them.

Eleventh Day

ELIZABETH BENTLEY had been a Communist Party minion and a Soviet undercover agent for 10 years when she defected in 1945 and paid a visit to the FBI. A Vassar graduate with a master's degree from Columbia, Miss Bentley had been taken into the Russian espionage labyrinth in America by its chief, a man named Jacob Golos for whom she came to bear a profound love. Golos' death in 1943 had been one of Miss Bentley's reasons for giving up her impressive spy career. She had already told her hair-dryer melodrama several times before official investigative bodies, on the lecture platform and in the popular magazines, when she took the stand against Julius and Ethel Rosenberg but Saypol took her all through it again for the edification of the jury.

Miss Bentley testified for two hours, with Saypol fighting his

way through defense objections¹ mounted from the premise that Miss Bentley may have been a Soviet spy but that did not necessarily mean she was an authority on Communism in America, which was the mantle of *expertise* Saypol was attempting to drape around her. Judge Kaufman took the general view that Miss Bentley could speak of her own experience, but when it came to making qualitative appraisals of other key Communists in the Soviet spy system, she was in the realm of hearsay.

The objective of her testimony was to connect a known and admitted and uncontested Russian espionage figure with Julius or Ethel Rosenberg, but her evidence was highly circumstantial and at least half the two hours she spent on the stand was taken up by defense arguments supporting objections. Miss Bentley, however, touched base, so to speak, three times on direct examination.

Q. In the course of your Communist Party activities with Golos, were there occasions when you accompanied him to meetings . . . that he was holding with some of his contacts?

A. Yes, quite a few occasions. . . .

Q. Do you recall when you . . . accompanied him to the vicinity of Knickerbocker Village?

A. Yes . . . in the fall of 1942 . . . to pick up some material from a contact, an engineer.

Judge Kaufman: Miss Bentley, during this period of time that you talk about, we will say '41, '42, '43, '44, were you personally receiving any material relating to the national defense, of a secret nature?

A. Yes.

Judge Kaufman: And this material was then transmitted to Russia?

A. That is correct.

Emanuel Bloch protests that all this precedes the dates of the indictment, which begins in 1944, but Judge Kaufman allows it on the basis of an appeal ruling in the trial of the 11 Communist leaders. Declarations of a conspiracy made prior

to the inclusive dates of the conspiracy are admissible to show intent.

Q. Subsequent to the occasion when you went to the vicinity of Knickerbocker Village with Mr. Golos, and continuing until November of 1943 [when Golos died] did you have telephone calls from a person who described himself as Julius?

A. Yes, I did.

Judge Kaufman: . . . you carried messages from this person called Julius to Golos, and back to Julius from Golos?

A. . . . I was a go-between.

The third strike came during her cross-examination by Emanuel Bloch.

Q. How many times in all do you say this person called you up and said, "This is Julius"?

A. . . . it might have been five or six, it may have been more.

Q. And during what period of time was this?

A. . . . from the fall of 1942 until November of 1943.

Otherwise, Bloch cross-examined Miss Bentley as cruelly as he could, exploring so endlessly that she had been Golos' mistress that Kaufman directed him to stop; that Miss Bentley was writing a book and lecturing for fees and that she therefore benefited from personal publicity.

The government's last witness was James S. Huggins, the U.S. Immigration Service inspector at Laredo through which the FBI escorted Sobell following his kidnapping and expulsion from Mexico.

Huggins said that Sobell and his wife arrived at the border station in the custody of Mexican Security Police, and that this was the basis for his writing "deported from Mexico" on the tourist re-entry permit, although he received no official notification that Sobell had, in fact, been deported. He may have been further influenced, he said, by his knowledge that Sobell was wanted under a federal warrant. All border stations had been alerted to be on the lookout for Sobell, to prevent him from leaving the United States.

Huggins was excused with a somewhat breezy comment from Judge Kaufman that he was free to go home to Texas, and the government officially rested its case.

Instead of 123 witnesses, it had produced only 21, with two more to be offered later in rebuttal. The jury was deprived of the glamorous testimony of squads of FBI agents, as Saypol had promised, and they heard not a word from any of the more famous witnesses who appeared on the government's official list. One wonders what Dr. J. Robert Oppenheimer, Dr. Harold Urey and General Leslie Groves might have testified to if they had been called.

Oppenheimer was soon to have his own troubles with Congressional Red-hunters, and before long Dr. Urey would be campaigning passionately for clemency for the Rosenbergs. General Groves later wrote a book telling all about Los Alamos and the development of the atomic bomb, but he never mentioned either the Rosenbergs or the Greenglasses.

Emanuel Bloch opened the case for the defense with two motions for mistrial, and, failing that, to strike immense portions of testimony, and lastly a motion to dismiss the indictment itself as a violation of the First Amendment (free speech) to the Constitution. The mistrial motions were based on the prosecution's repeated injection of the Communist issue which Bloch contended served only to drag extraneous considerations before the jury and to otherwise inflame them. It was this testimony which he sought, in his third motion, to exclude. Judge Kaufman denied them all, summarily, and Bloch called his first witness to the stand. It was Julius Rosenberg.

In the hour that remained of the day's session, Julius gave the facts of his personal history and denied that he had ever discussed espionage or the atomic bomb with anybody in the world. The jury's perceptions were obviously fatigued, but they were doing their best to form some impression of the man about whom so many people had made such sinister accusations. The intensity with which they studied him was striking, even if they recognized that the awesome burden of life-and-death decision would soon be theirs.

To the spectators, it was the moment to begin making private judgments, even though the entire proceeding was never more nor less than an entertainment. And in the farthest rows of the audience, which always seems to display a disquieting preponderance of stupefied faces, a florid-faced middle-aged woman in lavender turned to a friend and whispered hoarsely, "He certainly looks like a spy."

Twelfth Day

WHETHER Julius Rosenberg looked like a spy or not, his image came within the fuzzy limits of what people had become conditioned to recognize, by their daily newspapers, as the prototype of the Communist spy. Julius was not defiant in his manner or pose but his entire presence suggested defiance. He was soft-voiced and courteous, but his hair was too dark and slick, his glasses too thin-rimmed, his mustache too defined, his cheap clothes too ill-fitting, his speech too precise and his courtesy condescending. The trial was being waged by his enemies, but it was being held at his sufferance.

For most of this day, he had nothing to offer the fact-hungry jury but the most placid denials. He had never given Ruth Greenglass \$150 for train fare to New Mexico, had never asked her to ask David to spy, and he did not know any Russians, official or otherwise.

Bloch also obtained his testimony that at the time he was supposed to be visiting the Greenglasses to collect reports, he was actually at work; that he could not have gone to their apartment from his own apartment on his way to work without being late—it was in the opposite direction.

Julius never introduced David Greenglass to that mysterious Russian on First Avenue. David and Ruth did come to dinner one night during that 1945 furlough of David's and Ann Sidovich was there, but Ann and her husband lived on the floor above; they were neighbors.

Judge Kaufman frequently took over the questioning of Julius on more sensitive subjects.

Judge Kaufman: Did you ever discuss with Ann Sidorovich the respective preferences of economic systems between Russia and the United States?

Julius: Well, your Honor, if you will let me answer that question in my own way, I want to explain that question.

Judge Kaufman: Go ahead.

Julius: First of all, I am not an expert on matters on different economic systems, but in my normal social intercourse with my friends we discussed matters like that. And I believe there are merits in both systems, I mean from what I have been able to read and ascertain.

Judge Kaufman: I am not talking about your belief today. I am talking about your belief at that time, in January, 1945.

Julius: Well, that is what I am talking about. At that time, what I believed at that time, I still believe today. In the first place, I heartily approve our system of justice as performed in this country, Anglo-Saxon jurisprudence. I am in favor, heartily in favor, of our Constitution and Bill of Rights and I owe my allegiance to this country at all times.

The judge sat back and Bloch pressed on in the same direction.

Q. Do you owe your allegiance to any other country?

A. No, I do not.

Q. Have you any divided allegiance?

A. I do not.

Q. Would you fight for this country—

A. Yes, I will.

Q. —if it were engaged in a war with any other country?

A. Yes, I will. And in discussing the merits of other forms of governments, I discussed that with my friends on the basis of the performance of what they accomplished, and I felt that the Soviet Government has improved the lot of the underdog there, has made a lot of progress in eliminating illiteracy, has done a lot of reconstruction work, built up a lot of resources, and at

the same time I felt that they contributed a major share in destroying the Hitler beast who killed six million of my co-religionists and I feel emotion about that thing.

Q. Did you feel that way in 1945?

A. Yes, I felt that way in 1945.

Q. Do you feel that way today?

A. Yes, I still feel that way.

* Judge Kaufman: Did you approve the Communistic system of Russia over the capitalistic system of this country?

Julius: I am not an expert on those things, your Honor, and I did not make any such direct statement.

Q. Did you ever make any comparisons in the sense that the Court has asked you, about whether you preferred one system over another?

A. No, I did not. I would like to state that my personal opinions are that the people of every country should decide by themselves what kind of government they want. If the English want a King, it is their business. If the Russians want Communism, it is their business. If the Americans want our form of government, it is our business. I feel the majority of people should decide for themselves what kind of government they want.

Q. Do you believe in the overthrow of government by force and violence?

A. I do not.

Q. Do you believe in anybody committing acts of espionage against his own country?

A. I do not believe that.

Somehow, Bloch and his witness seem to have set a trap for themselves, and it is the judge who springs it.

"Did you ever belong to any group that discussed the system of Russia?"

"Well, your Honor, if you are referring to political groups—is that what you are referring to?"

"Any group."

"Well, your Honor, I feel at this time that I refuse to answer a question that might tend to incriminate me."

The knowing looks that have been moving rapidly around the courtroom have become sly smiles and the members of the jury fidget uncomfortably. Bloch moves Julius on to more denials. There was never a Jello box incident. Julius did not give money to the Greenglasses, except to loan David about \$600 in separate handouts of five, ten and twenty dollars, when the machine shop business was bad and David needed money for groceries. Julius never spent \$50 or \$75 a night entertaining anybody at any time, and he never told anybody that he did. In their 10 years of married life, Ethel spent less than \$300 on clothes, and Julius never paid more than \$26 for a suit; of all the times the Greenglasses came to the house, it was never more than a typical family gathering.

Q. Did you discuss politics with them?

A. Well, as every intelligent American did in those times, we discussed the war.

Saypol rises, straightening his tie. "May I ask to have the answer stricken as not responsive? I don't want this man set up as a standard for intelligent Americans." It is Saypol's first hostile expression toward the couple he hopes to send to the electric chair, and Judge Kaufman directs that his remark be stricken from the record.

Julius admits that the Greenglasses and the Rosenbergs discussed the great role the Russians were playing in the allied war effort, and how they believed it was time for a second front.

Julius also admits his visits to Max Elitcher's apartment in Washington, but they were only friendly visits; they had no other purpose. Julius admits to the meeting with Ruth Greenglass in her apartment when her younger sister, Dorothy, was present, but insists he asked Dorothy to leave because Ruth whispered in his ear, "I would like to talk to you alone. Tell the kid to go into the bathroom."

Ruth then told him she was terribly worried, that David was planning to steal Army equipment and sell it on the black market. He assumed she had told him all this because he was

the only close relative in town at the time to whom she could confide such distressing problems.

After David returned to New Mexico and Ruth went west to join him, Julius had no communication with them until they came to New York the following September, and never at any time did David give him any information about any atomic bomb or anything like that. And as far as Ethel typing up espionage reports, the only things that Ethel ever typed were personal letters, records of the Civilian Defense Council on the lower East Side to which she contributed her time all through the war, and correspondence for the FAECT of whose civil service committee Julius was chairman.

The prosecution's case, point by point, Julius denied. He had never been in Schenectady in his life, nor in Cleveland. He never suggested that David go to college, because he knew David would not be admitted—"he didn't have the qualifications." Many of the meetings with the Greenglasses, and with Sobell, were true, as nearly as he could recall, but they were only social gatherings. The story of pacing the streets with Sobell and Elitcher, trying to persuade Elitcher to stay in Washington as a spy, was sheer fiction; the only time he ever saw Sobell and Elitcher together was at a public swimming pool in Washington in the summer of 1940 when he went there looking for a job.

There was trouble at the machine shop, all right, and the trouble was that David spent too little time at the shop and jobs fell behind schedule. Julius said he remonstrated with David from time to time, frequently in the presence of Ruth who complained that Julius was exploiting her husband's knowledge and skill and preventing him from making something of his life. Ruth, said Julius, was very bitter about it. The whole subject was a cause of constant quarreling among the members of the Greenglass and Rosenberg families.

Julius' story of those frantic meetings with David during May of 1950, continuing up to the time David was arrested, was altogether different. The first such conversation, he said, went like this:

"Dave said to me as follows: 'Julie, you got to get me two thousand dollars, I need it at once.'

"I said, 'Look, Dave . . . I have no cash left. You can't get blood out of a stone. I just don't have the money. What do you want it for?'

"He said, 'I need the money. Don't ask me questions.'

"I said, 'Dave, you are getting very excited. What is the matter with you?'

"So he said, 'Well, if you can't help me like that maybe you can do something else for me.'

"I said, 'What is it? If I can help you I will.'

"He said, 'Will you go to your doctor and ask him if he would make out a certificate for a smallpox vaccination?'

"I said, 'Why don't you go to your doctor?'

"He said, 'Don't ask me that. I can't do it.'

" . . . and I said, 'It is highly irregular, but I will ask my doctor if he will do that.'

"And he said, 'Don't tell him who it is for and . . . ask him if he knows what kind of injections are required to go into Mexico.'

"I said, 'Dave, are you in trouble or something?'

"He said, 'Don't ask me anything about it. You got to do this for me. If you can't give me the money I need, at least do this for me.' "

Julius said David's pleas were repeated at separate meetings, all held at David's urgent request, up until the time of his arrest. The meeting that stuck in his memory most firmly came early in June. David was more frantic than ever, saying that he was in "an awful jam" and had to have \$2,000. Julius said he didn't have it and didn't know any place he could get it. David turned on him and said, "Well, Julie, I just got to have that money and if you don't get me that money you are going to be sorry."

Julius was stunned. "Look here, Dave," he said, "what are you trying to do, threaten me or blackmail me?"

The next and last time he saw David was at David's house a few days later. Julius went there to reassure both himself

and Ethel that David wouldn't do anything rash. Ruth treated him with coolness, and David barely spoke to him. It was obvious that they did not want to talk to him, so he left. "That is the last time I saw David Greenglass," he said.

Julius went home and told Ethel about David's demands, and Ethel said, "What is the matter? Is Ruthie nagging David for money again?" Julius said he thought David's black market operations, which had been such a source of worry to Ruth during the war, had caught up with him and he was planning to flee the country.

In view of the history of quarrels over the management of the shop, Judge Kaufman noted, it seemed strange that David would ask this kind of help from Julius, or that Julius would want to help.

"Well, we weren't at each other's throat," Julius replied. "He was my wife's brother."

"In other words," said the judge, "there hadn't been such a wide rift as that."

"No," answered Julius, "there hadn't been."

Julius never received any citations from the Russian Government, nor any wristwatches either. He had his own watch, purchased many years ago, and Ethel had a watch he bought for her from a street peddler in 1945 for about \$30. Both had been seized by the FBI and Bloch asked Saypol to please produce them in court. The console table, which Ruth claimed was also a Russian gift equipped for microfilming, really came from Macy's, Julius said. He bought it in 1944 for about \$21. It was on sale.

Saypol got at Julius on cross-examination soon after the luncheon recess and his first question was whether or not Julius knew William Perl, the physicist indicted for perjury two days earlier by the federal grand jury for denying he had known Julius. Judge Kaufman warned Julius, "You had better not say anything you think may hurt you." Julius retorted that he would refuse to answer any questions about Perl on grounds of self-incrimination. Saypol smiled and might have given the jury a knowing wink if he had not had better sense.

It was one of Julius' more trying moments on the stand. If he admitted involvement with the subsidiary issue of the trial—Communism and Communists—he was falling into the government's trap. If he pleaded self-incrimination, he was no better off. He tried to display dignity, but Julius wore dignity like obstinacy.

He asserted his Constitutional privilege in an even broader context moments later when, with Saypol fishing for Julius' admission that he 'belonged to school groups since branded as subversive, he announced that he would not answer any question regarding the Young Communist League or the Communist Party. It was all a case of one man's word against other men's words. In view of his relentless denials of every shred of prosecution testimony, all the jury could do at this juncture was to watch for some signal, conscious or subconscious, of the probability of truth or falsehood in what Julius said. Perhaps nothing would have damaged him more than a succession of Fifth Amendment refusals to answer questions. Legally, when the accused asserts his privilege of self-incrimination, it means nothing and so Judge Kaufman constantly warned the jury; practically, it is impossible for a jury to escape the feeling that silence equals guilt. And where Julius did not refuse to answer, he hedged:

Q. Well, now, did you feel that if Great Britain shared in all our secrets that Russia should at the same time also share those secrets in 1944 and 1945?

A. My opinion was that matters such as that were up to the governments, the British, American and Russian governments.

Q. You mean the ultimate decision?

A. Yes.

Q. Well, what was your opinion at that time?

A. My opinion was that if we had a common enemy, we should get together commonly.

For the remainder of the day's cross-examination, Saypol went ticking along at the sensitivities of the times.

Q. Did you ever make any contributions to the Joint Anti-Fascist Refugee Committee?

A. Yes, I believe I did.

Q. That is known to be an organization deemed subversive by the Attorney General?

Emanuel Bloch: I object to the question on the ground that it is improper; it is inflammatory and has nothing to do with the issues.

Judge Kaufman: I sustain the objection.

Saypol: May I submit to the court that pursuant to Presidential Executive Order No. 9835 it has been so classified by the Attorney General.

Judge Kaufman: I don't think that is a subject matter you ought to go into.

Q. Did you do anything more than that?

A. I don't understand what you mean, Mr. Saypol.

Q. Did you do anything more than contribute? Did you exercise your personal efforts by speaking or writing? ~~Anything~~ like that?

A. I don't understand what you mean, Mr. Saypol.

Q. Did you ever go out and collect any money for the Joint Anti-Fascist Refugee Committee?

A. When are you talking about?

Q. I don't know. You tell me.

A. I don't recall collecting any money, but I recall contributing money.

Saypol produced from the stockpile of evidence on the counsel table a tin can, similar to those used for charity fund appeals. The label on the can read: *Save Spanish Republican Child. Volveremos. We will Return. Joint Anti-Fascist Refugee Committee, 192 Lexington Ave., Suite 1501*, with a notice that the organization had been licensed by the City of New York for fund-raising solicitation. The can reached Saypol through the FBI, which found it in Julius' apartment.

Julius explained that the can had been sent to him by the International Workers Order, a public insurance company, with the request that he solicit funds. He hadn't time, he said,

and just sent them a donation of his own. Saypol asked if the International Workers Order was a Communist organization and Julius said he didn't know, that he had held a \$5,000 life insurance policy with the organization for many years.

Julius might be asserting Constitutional privilege now, but in 1945, when the Army fired him on charges that he was a Communist, he didn't hesitate to deny it. The charge, specifically, Saypol said, was that Julius "transferred from Branch 16-B Industrial Division of Communist Party to the Eastern Club of the 1st Assembly District, N. Y., under transfer No. 12179, in February, 1944." He also read Julius' answer at the time, addressed to the Commanding Officer of the Newark Inspection Zone of the U.S. Army Signal Corps, that "... I am not now, and never have been a Communist member...."

Q. Did you make that answer to those charges, yes or no?

A. Yes, I sent the letter in answer to those charges.

Q. Was that answer true at the time you made it?

A. I refuse to answer.

Judge Kaufman excused the jury for the Easter weekend and then took up in a private huddle at the bench Saypol's insistence that Julius be compelled to answer. Kaufman said he would rule on it when court convened on Monday.

Thirteenth Day

SAYPOL changed his mind over the weekend. He said he no longer wished to force the defendant into an attitude of guilt on collateral matters, and he would abandon his demand that Julius state the truth of his previous denials of Party membership. He would convict Julius, he said, on the charges of the indictment, and he began a long process of insinuation.

Did Julius know a woman named Vivian Glasman? (She was the fiancée of Joel Barr, a former classmate of Julius' at CCNY.) Yes, Julius knew her. Did Julius ever give her \$2,000 to deliver to somebody in Cleveland? No.

Bloch moved twice for a mistrial on grounds the prosecution was pursuing a "highly inflammatory" course, and twice Judge Kaufman denied the motions.

Saypol stayed with his insinuations for almost an hour, pulling in names that were new and mysterious, and asking Julius if he had ever met them in specific places at specific times, implying that Julius had been under constant FBI surveillance for years. Saypol never identified the people he named. Saypol's questions became increasingly laden with a tone of incredulity regarding Julius' casual explanations of seeing Elitcher and Sobell on various occasions. It was too much to believe, for instance, that Julius telephoned Elitcher in 1944 during a trip to Washington, not having seen him for four years, because "he was lonesome and wanted somebody to talk to."

Even Judge Kaufman arched an eyebrow in suspicion from time to time as the beleaguered Julius was forced back again and again to retrace his testimony of the last two days, and when Attorney Phillips suggested a midmorning recess, Kaufman snapped, "Is there something about this subject that suggests a recess to you?"

Julius' evasive precisions made Saypol's task of eroding his credibility easier. Saypol asked Julius to repeat virtually everything he had said on direct examination, clearly implying that nobody could be expected to believe such a pat and homely story. Greenglass' demand for \$2,000 or a vaccination certificate, for instance, was too incredible.

Q. Did you suspect why he wanted it?

A. I suspected he was in some trouble.

Q. Did you suspect that it had to do with the theft of gasoline from the Army?

A. Possibly, part.

Q. Did you suspect perhaps that it had something to do with the theft of uranium from Los Alamos?

A. Possibly.

Q. Did you suspect perhaps that it had something to do with the theft of information relating to the atomic bomb?

A. No, I didn't suspect that.

Q. Did you suspect that he wanted to flee the country?

A. I didn't know exactly what he wanted to do, but I suspected it.

Q. And all you did was to tell your wife after that?

A. That is correct.

What Saypol cannot elicit by feigning disbelief, he tries to provoke by bad temper. Why would David seek help from Julius when the two were barely on speaking terms? There was nobody else, Julius answers, for David to go to. His one brother, Sam, was out of town, and the other brother, Bernard, was having his own troubles with his dying wife.

Q. Who was dying?

A. Bernie's wife.

Judge Kaufman: I think this subject matter, Mr. Saypol, is amply covered.

Saypol: I never heard about this dying, whoever it was.

Julius: Well, Bernie's wife had Hodgkin's disease. She was in and out of the hospital

Saypol: Don't give us the gory details.

Even Judge Kaufman is offended by the tactic and begins a steady nagging of Saypol to conclude what has become a spiteful cross-examination.

During a brief redirect, Emanuel Bloch asks the prosecution to produce all photographs taken by FBI agents from the Rosenberg apartment at the time of Rosenberg's arrest. While waiting for them, Bloch puts another witness on the stand; a lawyer named John Gibbons who is a member of the legal staff of R. H. Macy's department store. It will not be possible to prove that Julius purchased the console table in dispute in 1944 because Macy's sales records for that year have been destroyed. There is less than an hour remaining of the day's session, and the photographs have still not arrived. Bloch has no choice but to put Ethel Rosenberg on the stand. She has barely started her personal history, the strained financial circumstances of her married life with Julius, when Judge Kaufman inserts himself into the flow of inquiry to ask if Ethel knows anything about

her husband's firing by the Army in 1945 on charges of Communist Party membership. Tired as the jury is, the exchange which follows stiffens their interest.

Judge Kaufman: And he was dismissed for that reason?

Ethel: I refuse to answer on the ground that this might be incriminating.

Judge Kaufman: No, no, no. I say, the government dismissed him for that reason? I am not asking you whether he was. I am asking you if the government gave that as a reason for his dismissal.

Emanuel Bloch: May I advise the witness to answer that question.

Ethel: Well, they gave that as a reason. That is right.

Judge Kaufman: Now you typed the reply for him; is that right?

Ethel: Yes.

Judge Kaufman: And the reply that you typed denied that he was a Communist; is that correct?

Ethel: I refuse to answer on the ground that this might be self-incriminating.

Bloch: I advise you to answer.

Ethel: Yes.

Judge Kaufman: And was that true?

Ethel: Was what true?

Judge Kaufman: The statements which you typed, that he is not a Communist.

Ethel: Again, I refuse to answer on the ground of self-incrimination.

Judge Kaufman: All right.

The photographs have arrived and Julius replaces his wife on the stand. He identifies them as a "batch" of photographs taken from his home, but that some photographs are missing. Bloch seeks to introduce them as evidence that there are no passport photos among them but Kaufman will not permit it. "We are not interested in seeing a lot of photographs of people that might have nothing to do with the case."

Court is adjourned for the day, with a warning by Kaufman

to the jury that they will doubtless be late getting home the day after tomorrow because the case will probably go to them late in the afternoon.

Fourteenth Day

ETHEL ROSENBERG is exactly five feet tall and she weighs 100 pounds. She has a pretty, fragile face, but her body is ill-proportioned; her hands are small and stubby, her legs are short and thick and her clothes are formless. She regards everything with a beatific gaze but her oval mouth is pursed and pinched, and there is a certain care with which she selects her words, suggesting reluctance rather than hesitancy. Like her husband, she is unafraid and what she perhaps intends as composure is seen as defiance. And, like Julius, she and Alexander Bloch set about a chronological and categorical denial of the government's case as alleged by Elitcher and the Greenglasses—no overtures to espionage, no travel expenses for Ruth to New Mexico, no Jello side panel, no typing of David's reports on implosion lenses or the principle of the Nagasaki bomb, no coded letter to Ruth alerting her to a rendezvous with a spy courier; nothing, in fact, except the pedestrian struggles of a lower East Side family trying to make ends meet.

Ethel testified all morning and up to the midafternoon recess and Bloch took her denial to such repetitious extremes that Judge Kaufman protested, remarking that the trouble with lawyers, including himself, is that they "like the sound of their own voices" and take twice as much time as they need.

Still, the denials went on. No console table with microfilming equipment, no costly entertaining by Julius of his Russian friends and, in fact, no Russian friends. Ruth's distress over David's plan to get rich by stealing Army equipment on the black market was attributed by Ethel to Ruth's "nagging David for money," as was David's demand on Julius for \$2,000.

After David was arrested, Ethel went to see Ruth to offer her support. They met at the home of Tessie Greenglass, Ethel's

mother, and later walked around the block outside the Greenglass apartment, Ruth pushing her newborn son in the carriage, and Ethel asking questions.

"At first she hesitated. So I said to her, in order to encourage her, 'You know how I feel toward Davey. You know how I always felt toward him and how I have always felt toward you, although I must say you haven't always reciprocated, especially in the last year. However, that is beside the point. I want you to know that even if you did do this, and Davey, my attitude toward you and my feeling toward you won't change. I will stand by and help in any way that I possibly can. But I am his sister and I do have a right to know.'

"At that, she flared up and she said, 'What are you asking such silly questions for? He is not guilty and of course I am not guilty and we have hired a lawyer and we are going to fight this case because we are not guilty. Did you think we were?'"

Ruth admitted they needed money desperately, and were borrowing from relatives, and Ethel said she wished she had some money to give them and shortly afterward they parted. They never spoke again.

Judge Kaufman asked her what she wanted David to do, to admit or deny his guilt?

"I wanted him to tell the truth, whichever it was."

"Even if it implicated him?"

"That is right."

"Then what did you mean by standing by him?"

"Well, I wouldn't love him any less."

On cross-examination, Emanuel Bloch asked Ethel to repeat the instructions he had given her after he had agreed to represent Julius and Ethel had come down to his office.

Q. Did I ever advise you to see Ruthie Greenglass and to tell Ruthie Greenglass to tell her husband to keep his mouth shut?

A. No, you never told me to do any such thing.

Q. Well, what did I tell you with respect to the Greenglass family?

A. You told me to stay away from them.

Q. Did I tell you I believed they were your enemies?

A. Yes, you told me that.

Saypol's cross-examination drove Ethel to the Fifth Amendment, and she refused to answer questions concerning questions asked her by the grand jury, or about whether any of the Rosenbergs' friends were Communists. So abrupt and super-cautious were her refusals to answer that Judge Kaufman sought to uncover the cause of her apprehension. "What is it you feel?" he asked.

"Whatever my feeling is," Ethel snapped, "I refuse to answer."

Saypol and the judge explored relentlessly the question of whether the Rosenbergs had passport photographs taken during May of 1950. They may have had photographs taken; they frequently did; they were "snapshot hounds," she explained, and on Sunday outings would stop at a street photographer, or in a commercial studio, and have pictures taken of the family, Julius had a camera once, and some developing equipment, but he never could get decent pictures so he gave it up.

Saypol turned his sarcasm and his insinuations on Ethel, too. When she had gone to see Ruth to ask about how David was faring in jail, what had been her concern?

Q. You asked how he was standing up in jail?

A. That is right.

Q. You mean, was he talking about you and your husband? Is that what you meant when you asked that?

A. Of course not.

Q. Of course you were innocent?

A. Absolutely.

Q. So was your husband?

A. Right.

And moments later:

Q. A little while ago you said that you did everything to help Davey. Do you remember that?

A. Yes.

Q. Did you help him join the Communist Party?

A. I refuse to answer.

Ethel also asserted her privilege when Saypol asked her why she had asserted this privilege before the jury but had not done so in court. In the exchange of protests and colloquy between counsel, even Ethel became confused.

Why, for instance, had she refused to tell the grand jury whether she knew Harry Gold, but in court said she had never known Gold? Judge Kaufman said Ethel, in her own interest, ought to offer some explanation for these apparent inconsistencies, but Ethel said she could not. Bloch protested heatedly that this whole line of questioning provided the jury with the opportunity to draw all kinds of irrelevant inferences. Kaufman overruled him with a wave of his hand.

However, Ethel did find an explanation. Without knowing what the grand jury was after, she had refused to answer any question that she felt at the time could have led to her being implicated in her brother's problems. She just didn't know what was happening, so she asserted her privilege. It was not an unreasonable explanation, but it gave Saypol material for a fresh approach.

"As a matter of fact, at that time you didn't know how much the FBI knew about you and so you weren't taking any chances; isn't that it?"

But before she could answer, or refuse to answer, Emanuel Bloch moved for a mistrial. Such questions could only prejudice the defendant in the eyes of the jury and prove nothing at all. Kaufman disagreed and disposed of Bloch's motion.

Saypol then ran through a list of questions Ethel had refused to answer for the grand jury, asking her every time if her refusal was a true answer. Ethel took it to mean, as did Bloch, that Saypol was trying to find out whether a different answer would have incriminated her. Bloch objected vehemently and so often that the tempers of Saypol and the judge began to rise, and the cross-examination surged along in overlapping waves of confusion. To Ethel's credit, she now kept a clear head.

"When one uses the right of self-incrimination," she said, as though explaining to a child, "one does not mean that the answer is yes and one does not mean that the answer is no. I made

no denial. I made no assertions. . . . I simply refused to answer on the ground that the answer might incriminate me."

Saypol, however, carried on. He reviewed Ethel's grand jury appearance question by question, to the vast enlightenment of the jury which discovered that Ethel had refused to answer virtually every question asked her, even those which obviously could not have incriminated anyone.

Finally, Kaufman called a halt to it. "We have had enough of this, Mr. Saypol; it serves no further purpose."

Ethel conceded, in her last fragments of testimony, that she may have loved her brother when he was arrested and been willing to help him then, but she didn't love him any more. And with that, the Rosenberg defense rested its case. Kuntz, on behalf of Sobell, also rested. The government had made no case against him and there was no reason for him to testify; there was nothing for him to deny. This was a gross error on Kuntz' part, but he obviously did not know it at the time.

The government produced two rebuttal witnesses and ended the last day of testimony. The first witness was Evelyn Cox, the maid who had worked for the Rosenbergs three days a week during 1944 and 1945, and who was well acquainted with the now notorious console table, having dusted it many times. It had no photographic innards that she knew about, but she was quite sure the table did not come from Macy's. Mrs. Rosenberg told her the table had been a gift to her husband "from a friend." Mrs. Cox was puzzled, therefore, when a few weeks later Mrs. Rosenberg took the table from the living room and stored it in a closet as though to hide it. Mrs. Cox was puzzled because the table was the best-looking piece of furniture in the apartment.

The second witness was Helen Pagano, secretary to Attorney O. John Rogge, the Greenglass lawyer, who told how Louis Abel came to the office and handed her a brown paper wrapper containing \$3,900. Kilsheimer asked her if the paper wrapper was the same one as the exhibit now in evidence and she said it was.

The last witness was a surprise. His name was not on the list

of government witnesses and Bloch's objection that this was contrary to law was met by Saypol's explanation that the witness had been found by the FBI only yesterday. His name was Ben Schneider and he was a commercial passport photographer at 99 Park Row, barely a block from the courthouse and within walking distance of the Rosenbergs' apartment.

Schneider was a slender man in his fifties, balding with a fringe of light reddish hair. He had the air of a man who doesn't know what the dispute is all about, but he is glad to tell what he knows if it will help anybody. He was one of the prosecution's more damaging witnesses.

Julius and Ethel Rosenberg and their two children came into his studio one Saturday afternoon in late May or early June, and ordered 36 passport photos—nine pictures of each of the four members of the family. The children were noisy and unruly, Schneider recalled, and he charged the Rosenbergs about \$9. In his kind of work he kept no negatives and he kept no records. But he remembered them because Julius told him they were going to France to settle an estate.

Under cross-examination, Schneider admitted he had read about the trial in the newspapers and had seen pictures of the Rosenbergs but he didn't recognize them until two FBI agents came into his studio yesterday and showed him photographs of Julius and Ethel and asked him if he had taken passport pictures of them.

This was the end. The Blochs made their separate motions for a directed verdict of acquittal on grounds the government had failed to establish guilt beyond a reasonable doubt, and Alexander Bloch moved for a mistrial, charging the judge's frequent questioning of the witnesses had served only to prejudice the jury.

Judge Kaufman bristled at this latter move, and accused Bloch of making the motion "purely as an afterthought, and I think it is done for the purpose of putting anything in the record upon which you might be able to hang your hats in the event there should be an appeal."

Bloch protested he was acting in good faith, but the judge, with a mood of disgust, denied all the motions.

Phillips moved again for a dismissal of the indictment against Sobell, arguing that there was nothing in the testimony, assuming it to be true, that linked Sobell to Los Alamos and David Greenglass.

Judge Kaufman denied this, too, pointing out that under the conspiracy statutes, one member of a conspiracy is responsible for the acts of all the other members of the same conspiracy, even though he may have no knowledge of them.

He took under submission the defense and prosecution requests for jury instructions and asked the counsel for both sides to be in court for his rulings on them by 9:15 tomorrow morning. He planned to convene court by 9:30, he said, because the various counsel had requested a total of five and a half hours' time for summations and he wanted the case to go to the jury tomorrow. And court was adjourned.

Fifteenth Day

THE purpose of counsel's summation, obviously, is to make as much of the testimony as possible appear consistent with the defendant's attitude of innocence, if he is your client, or with your claims of guilt if you are prosecuting him.

In this trial, the spectators (if not the jury) looked forward to the summations in hope they would give some comprehensible order to 12 days of testimony, the salient features of which all seemed to mitigate against everybody and which even the 2,700 pages of trial transcript produced thus far failed to rescue altogether from a morass of contradictory facts and ragged impressions.

Even the ordinary criteria, such as the simple credibility of one witness as opposed to another, were either absent here or clouded by corollary considerations. It was not a case of whether or not a man, or two men and a woman, had committed an illegal act; it was a question of whether these three people had con-

spired toward a crime whose commission was no more than proof that they had conspired. A conspiracy may or may not be successful; it is against the law in any case if its objective is the commission of a crime.

The words "treason" and "traitors" and "espionage" and "spy trial" had been used daily in the headlines without any effort at distinction, and the effect could not have been altogether lost on the jury confronted with a decision it must reach by reasoning so complex it was almost abstract.

At least half the testimony, according to various unofficial estimates, was hearsay or irrelevant by more familiar trial standards, and the thicket of objections through which it had reached the jury's minds could only have added to the bewilderment.

Emanuel Bloch was the first to sum up, and he approached the task with an assurance which said that there was nothing in the prosecution's story that a little straightforward analysis couldn't dismiss as malicious fiction.

First of all, Bloch wanted to say, the jury were all New Yorkers and therefore pretty sophisticated people upon whom it would be hard to perpetrate a hoax. They knew, too, he ventured to assay, that everybody was prejudiced in one way or another and if they weren't, they just couldn't be human.

However, "if you want to convict these defendants because you think they are Communists and you don't like Communism and you don't like any member of the Communist Party, then I can sit down now and there is no use in my talking."

But as sophisticated New Yorkers, he said, they can weigh the evidence against the "political climate of our times," and recognize that while Communism is inimical to the interests of the United States, the defendants are not accused of that.

They are accused only of conspiring to transmit information relating to the national defense to the Soviet Union to the advantage of the Soviet Union. A simple charge, he said, and let's look at the evidence apart from the glib performances of the lawyers.

The physical evidence first. David Greenglass' sketches, Ruth Greenglass' bank deposit receipt showing a \$400 deposit in the

Albuquerque bank the day after Harry Gold was there, the brown paper wrapper which once contained \$4,000. No documentary evidence here involving the Rosenbergs. The FBI is a superbly competent agency, Bloch agreed, whose energies in this case must have been unsparing. Yet all they could find in the way of documentary evidence was a tin can used to collect funds for Spanish refugees. If a man wants to help Spanish refugees, that's his business. It is a long way from espionage.

Then there is the evidence of testimony to which, Bloch warned, advancing slowly on the jury like a family lawyer approaching a deathbed, the jurors would have to apply the experience of their lives. Everybody was familiar, he was sure, with people who would take an oath on a thousand Bibles and whose word nobody could accept. Well, then, what kind of people testified against the Rosenbergs?

David Greenglass, a self-confessed spy, an unmitigated traitor, who profited by his treason; a man who would send his own sister to her doom to save himself. Is this the kind of man who tells the truth?

Ruth Greenglass, an undisputed accessory in every part to the treachery of her husband; who hopes now that by her testimony here she will be spared arrest and punishment. What could she know about truth? The story of the \$4,000 was the proof of their duplicity. An honest person would have turned this money over to the FBI and told them where it came from. Instead, the Greenglasses hid the money and then paid it to a lawyer to defend them from a capital offense. There's no doubt it was Russian money, but they didn't get it from Julius Rosenberg.

"Ruth Greenglass is the embodiment of evil here"; it was she who hatched this plot against a man whose only crime was to believe about Russia what most of us believed about Russia during the New Deal era of Franklin Roosevelt, and who was honest enough to admit that he still felt that way.

Compare Ruth Greenglass, "who came here all dolled up, arrogant, smart, cute, eager beaver, like a phonograph record," repeating verbatim carefully rehearsed testimony; compare her with Ethel Rosenberg who struggled with her husband to build

up a business, clean and scrub her own home and raise two children, and ask yourselves who is the honest woman?

There was no point discussing Harry Gold's testimony, said Bloch. He no doubt told the truth, since he had nothing to gain by lying. His guilt had already been adjudged and he was serving a 30-year prison term. But the point of his testimony was that he never even heard of Rosenberg. No link was established there, except by the Greenglasses.

Miss Bentley was virtually a professional anti-Communist. "She makes money on it. I am sure the government doesn't pay her, but she writes books, she lectures. This is her business; her business is testifying. . . .

"And all she could say was that she had conversations with a voice she could not identify, a voice which called itself Julius."

Well, said Bloch, with a shrug of total resignation, if that kind of testimony constitutes evidence, we might as well abandon the American system of justice.

And as far as the watches and the citations from the Russian Government are concerned, he added, stabbing his arm in Julius' direction, nobody can seriously believe that "this little guy with a little business, this wealthy man who hasn't got a dime to his name," ever got a citation from any government.

Elitcher's story defies all credibility. He was a man in a tight spot, a perjury indictment hanging over his head, and he spun a story which was exactly what the FBI wanted; the only trouble is that the story is not logical. Rosenberg and Elitcher were not close friends. They barely knew each other, yet Rosenberg tries to recruit Elitcher into espionage? It doesn't make sense. Sobell, who was Elitcher's good friend, would have been the logical one to do the recruiting.

And the last witness, the photographer. He has no records of his business, he has no negatives of photographs he has taken. He is aware of the trial, he has seen pictures daily of the Rosenbergs, but it takes the FBI to jog his memory. It can't be true.

Then, there is the matter of the witnesses the government did not call. What about Ann Sidorovich? She was listed as a government witness. She could confirm the Jello box episode. Why

wasn't she called to testify? Only the jury, he concluded abruptly, could show the world that a man can get a fair trial in America.

It was Edward Kuntz who summed up for Sobell, and he compressed his argument into two appeals: He didn't know what Sobell was accused of when the trial started, and he still doesn't know. Elitcher's testimony, which is all that involved Sobell in any way, was the work of the FBI and the U.S. Attorney who "labored like the mountain and brought forth a mouse—Elitcher." An admitted perjurer whose prolonged reluctance, by his own statement, to engage in espionage would have made him the worst possible risk for a real espionage agent to confide in, is privy for years to the machinations of two top Soviet agents—Rosenberg and Sobell? And if Sobell was a member of this conspiracy, why didn't Greenglass know him—or at least mention his name?

If Sobell's trip to Mexico is an indication of an attempt to avoid arrest, and if Soviet spies had special arrangements for fleeing, as Julius allegedly outlined to Greenglass, then why didn't Sobell stand in front of a statue with a guidebook in his hand and wait to be contacted? Instead, he wandered about Mexico aimlessly for two months and then went back to an apartment which he had taken in his own name and where he was known by his own name. His use of flimsy aliases on his trips to Vera Cruz and Tampico is no index of either flight or guilt.

What disturbed Kuntz most, however, was the "poisonous" manner in which Saypol conducted the prosecution—these sinister insinuations and misrepresentations. Sobell was never deported from Mexico, because there is no record in the Mexican government agencies of any such action, and Saypol was fully aware of this. It is tactics like this, Kuntz laments, with a woeful shake of his head, that undermine our justice and endanger the liberties of all of us.

Saypol did not begin his summation until after lunch, but he was still smarting under Kuntz's attack, and the implications by Bloch that he and the FBI had been duped by the Greenglasses

and the Elitchers into perpetrating what amounts to a frame-up.

He hopes desperately, he says, that the jury will judge the case on the evidence and not on the "bad manners or bad taste" of their lawyers. As for Kuntz's attack, it can only be motivated by an old political enmity which Judge Kaufman will not permit him to discuss.

Quieting his indignation, Saypol reviews his case. The Sobell Rosenberg conspiracy began in CCNY in the 1930's and it continues today. Their common bond is their devotion to Communism and to the Soviet Union. While Sobell was leading Communist meetings in Washington, Rosenberg was working his way up in the Communist underground. For the remainder of his summation Saypol proceeded from this premise.

We know, he said, that Julius and Ethel infected David and Ruth with Communist ideology from their earliest awareness, and that they should later lure this younger and politically naïve couple into espionage was the natural outcome of all that had gone before. The Greenglasses, however, "have tried to make amends for the harm they have done their country; they have told the truth. The Rosenbergs have magnified their sin by lying."

Saypol's anger at the defense, especially at Kuntz's "vitriol," never really disappeared; it was there throughout his long oration, bubbling unconcealed beneath the surface of his words. Much of his anger, of course, spent itself on the Rosenbergs, conveyed by his intense dislike of these "traitors who sold their country down the river," and whose betrayal "must be measured in human lives."

These conspirators stole "the most important scientific secrets" ever known to mankind, "which takes the issue in the case beyond any family considerations.

"... but clearly the breach of family loyalty is that of an older sister and brother-in-law dragging an American soldier into the sordid business of betraying his country for the benefit of the Soviet Union....

"As is, of course, the invariable procedure in cases of this kind, counsel for the Rosenbergs and Sobell bitterly attacked

many of the government's witnesses," some of whom admittedly were involved in the conspiracy or in Communist activities.

"But it is these very witnesses . . . whom they themselves chose as their partners in crime . . . these witnesses were not your choice, nor were they mine, these witnesses Elitcher and the Greenglasses. . . ."

Sobell's role in the conspiracy has been clearly exposed by Elitcher, and confirmed by Sobell himself in his Mexican trip. His efforts at concealing his whereabouts, however inept, reveal what was in his mind.

The defense protests against the injection of Communism into the trial are not valid because it was Communism which "provided the motive and the inspiration for these people to do the terrible things which have been proven against them." However, Saypol did not want them convicted "merely because of their Communist activity," but only because they were party to an agreement "to spy and steal from their own country, to serve the interests of a foreign power which today seeks to wipe us off the face of the earth. . . ."

Saypol could say no more. Surely "no defendant ever stood before the bar of American justice less deserving of sympathy than these three. . . ."

What Saypol has failed to resolve in the minds of the jury, Judge Kaufman will now resolve by giving the jury the criteria by which it must reach its verdict.

The charge of a judge to a jury is an inviolable procedure in a courtroom. No interruptions are permitted and absolute silence from those present is enforced. Courtroom doors are sealed and no one is permitted to enter or to leave.

Judge Kaufman's charge, which he had been preparing during the last days of the trial, was 12,000 words long. It included requests for legal clarification from both the prosecution and the defense; requests, that is, which were consistent with the judge's rulings as to what could properly come under the jury's considerations.

There are those who feel that, far from enlightening a jury, a judge's charge serves only to thrust upon the jury's already over-

taxed understanding an alien frame of reference couched in totally unfamiliar terms and concepts; that it is of such duration that it defies all human memory; and that, in the end, the jurors can only fall back upon familiar values and instincts which life has taught each of them can be trusted.

It took Judge Kaufman more than an hour to read his charge, and he began amiably by expressing his appreciation to the jury for its attentiveness, and for its sacrifice in serving, a sacrifice of which he was not unaware but without which the goals of American justice would never be reached.

Justice also imposed one other requirement and it was that a jury "approach the issues of the case with their minds barren of prejudice or sympathy," reaching a decision solely on the evidence presented, unmoved by fear, sympathy or patriotism.

And while he, the judge, might tell the jury what witnesses had testified to, they were not bound by that, any more than they were bound by the versions of counsel for the defense or the government. The jury was the sole judge of the facts; the judge, however, would tell them "the provisions of the statute and the principles of law" by which they must weigh the evidence.

If, in the course of their deliberations, their memories failed them regarding any specific portion of testimony, they could make this known and the judge would order it read to them by the stenographer.

He would now instruct them on the law. A conspiracy exists "if two or more persons conspire . . . and one or more of such persons does any act to effect the object of the conspiracy. . . ." Further, each of the parties to the conspiracy is liable for the acts of all others, whether he knows about them or not. The defendants in the case stand accused of conspiring to deliver, or attempting to deliver, to a foreign government information relating to the national defense of the United States, with the intent and belief that such information would be of advantage to a foreign government. And he instructed the clerk to read the grand jury indictment containing the charge and the 12 overt acts alleged.

The indictment, he said, was only an accusation and did not weigh against the presumption of innocence. The government must prove guilt beyond a reasonable doubt, but the defense does not have to prove innocence; it is presumed innocent.

Circumstantial evidence may be considered insofar as inferences drawn from it are reasonable. The defense asks that one set of inferences be drawn from such evidence, the prosecution propounds a different set of inferences; it is up to the jury to decide which inferences, if any, are sustained by reason.

While the mere allegation of espionage cannot justify the conviction of innocent persons, the jury must be aware that the enforcement of espionage laws takes on new significance "because of the development of highly destructive weapons and their highly guarded possession by nations existing in a state of tension with one another. . . ."

A conspiracy need not be successful, but proof that it did succeed may be taken as evidence that a conspiracy existed. "In this case, the government claims that the venture was successful as to the atom bomb secret."

The fact that the Soviet Union was an ally during the time of the conspiracy is immaterial; the law makes no distinctions between foreign governments, whether friend or enemy, because "unhappily, the status of a foreign government may change." However, any information given to a foreign government must, to be a crime, have been given with the intent to aid that foreign government.

Judge Kaufman then reviewed the respective contentions of prosecution and defense, in the belief that "it is my duty as a judge to help you crystallize in your minds . . . the evidence."

It was the government's contention, he said, that Julius, Ethel, and Sobell conspired among themselves and with Harry Gold, the Greenglasses and Anatoli Yakovlev, to obtain U.S. national defense secrets and transmit them to Russia and that they did, in fact, succeed, according to the testimony of the Greenglasses and of Gold; that Sobell, according to the testimony of Elitcher, tried to recruit him into espionage work, and that Sobell, to avoid impending arrest, fled to Mexico. As to the

defendants' alleged membership in the Communist Party, or their alleged participation in Communist activities, "I wish to caution you most strenuously that [this] does not prove the offense . . . but may be considered by you solely on the question of intent which is one element of the crime charged. . . ."

While it is impossible to see into a person's mind to know what his intentions are, all of us are called on constantly "to decide from actions of others what their intentions or purposes are. . . ."

As to Sobell's alleged flight to Mexico, "evidence of flight does not create any presumption of guilt, although it is a legitimate ground for an inference of a guilty mind if the jurors conclude that such inference is justified. . . ."

Whatever inference is drawn from Sobell's flight to Mexico, "no inference is to be drawn against the defendants Julius and Ethel Rosenberg. . . ."

"To determine whether Morton Sobell was a member of the conspiracy, you are to consider only the testimony of Max Elitcher, William Danziger and the testimony relating to the defendant Sobell's alleged attempt to flee the country.

"If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

If the jury decides there was a conspiracy and that Sobell was a part of it, then any statement or act of any of the other conspirators is binding upon him.

The defendants' version of the evidence is totally irreconcilable with that of the prosecution. The defense denies all allegations of the government and attributes any testimony against them by the Greenglasses to be motivated by personal animosities "or for some other unknown reason."

Morton Sobell, the defense contends, is totally innocent and the testimony of Elitcher cannot be believed because Elitcher is a perjurer.

No one can help the jury test the credibility of witnesses; it is a decision they face alone and they are to infer nothing from any comment, ruling, question or attitude expressed or displayed by the judge in the course of the trial.

"You should consider—and naturally would, I think—a witness's demeanor, his background, his or her candor or lack of candor, possible bias or prejudice, means of information and accuracy of recollection. . . .

"You should particularly consider whether a witness has an interest in the case for when a witness has an interest in the result, the temptation does exist to color his or her testimony or possibly withhold certain facts." The temptation also applies to accomplices.

Ethel Rosenberg's refusal to answer questions before the grand jury may be considered only in testing the credibility of her answers to the same questions during the trial.

Neither a witness's refusal to answer questions, or to testify, is a basis for any unfavorable presumption or inference.

Finally, he said, the matter of punishment was not within the province of a jury and they may not consider it in reaching a verdict.

Counsel for the defense scurried forward to the bench to request additional charges, specifically in weighing accomplice testimony or that of known perjurers, and Phillips protested Kaufman's reference to present world tensions. Judge Kaufman declined to amend or enlarge on his instructions and almost before anybody was aware, the jury had filed through the dark door behind the bench and deliberations had begun. It was 4:53 P.M.

The spectators drifted slowly out of the courtroom, gathering in little groups the length of the corridor outside, while the Rosenbergs and Sobell were taken to the U.S. marshal's lockup in the basement. They were offered dinner but they declined.

At 6:30 P.M., court convened in response to a request from the jury for a copy of the indictment and the list of government witnesses.

At 8:10 P.M., court convened again. The jury had asked to hear Ruth Greenglass' testimony, beginning with the first espionage overtures by Julius and ending with David's first furlough in New York.

At 8:15, the jury was brought into the court and the testi-

mony read. Emanuel Bloch insisted that the reporter also read the cross-examination covering that portion of the testimony, but Judge Kaufman refused. The jury had not requested it.

At 9:42 P.M., the jury requested that all the exhibits in the case be sent into the jury room.

At 10:55 P.M., the jury asked if it were allowed to recommend leniency.

At 11 P.M., Judge Kaufman brought the jury back into the courtroom and read to them that portion of the charge which said they were not to consider punishment.

At midnight, Judge Kaufman called the jury in and asked them if a verdict could be reached in a reasonable time. If not, he would lock them up for the night.

At 12:22 A.M., the jury sent out a note requesting a night's lodging "due to a still existent dissident vote amongst us."

Instead, Judge Kaufman sent the jury a note asking if a verdict had been reached on any defendant and, if so, to return it. Bloch protested this as "cruelty," but the judge retorted, "Why prolong the agony? If they have it, they have it."

At 12:36 A.M., the judge and the attorneys, having retired to the judge's chambers, received the jury reply:

"We have reached our verdict on two of the defendants but we prefer to reserve rendering our verdict on all these defendants until we have complete unanimity."

Judge Kaufman locked them up for the night.

Sixteenth Day

THERE is no record of whether either Julius or Ethel slept that night, but they looked fresh and hopeful when they arrived, manacled, at the courthouse soon after 9 A.M. They were taken directly to the courtroom where they waited until 10 o'clock when the courtroom doors were opened and then another hour before Judge Kaufman took the bench. Exactly at 11 o'clock, the jury entered with its verdict. Julius and Ethel

stood side by side, their hands touching on the counsel table, as the foreman announced, with redundant formality, that the jury had found all three of them guilty as charged.

The members of the press stampeded out to the telephones in the corridors, the overflow heading for the stairs to the basement press room. When the tumult had subsided, Judge Kaufman ordered the jury polled and then announced, in a tone of enigma, that he would hear defense motions regarding sentence on the day of sentence which he set for April 5, one week hence.

To the jury, however, he revealed himself with far greater candor, after delivering his formal gratitude for their six hours of "conscientious and industrious" deliberations. It was an important case to the Government of the United States, he said, and he personally regarded their verdict as the correct one.

"The thought that citizens of our country would lend themselves to the destruction of their own country by the most destructive weapon known to man is so shocking that I can't find words to describe this loathsome offense."

This apparently moved Saypol to issue a ringing tribute to the jury, the judge, the FBI, members of his own staff, and to applaud (soberly and without exultation, he warned) this verdict of American justice which, "while maintaining freedom, can fight back against treasonable activities."

Kuntz backed into an apology for his attack on Saypol during summation, and pointed out that whatever he did he did in the interests of his client. He would be glad to shake Saypol's hand, he said, and Saypol nodded grimly.

After that, the spy trial of the century dissolved in a gratuitous and somewhat maudlin exchange of praise for all. The judge thanked the jurors at length, urged them not to discuss the case with anybody, including the press, and dismissed them with a warm, "God bless you all."

The Last Day

THE Rosenbergs were sentenced on the morning of April 6, but they were forced by formality to stand under Judge Kaufman's gaze for so long, waiting for their fate, that the judge had chairs brought in so they could be seated. They waited precisely two hours while the backwash of their trial ebbed around them.

First, Emanuel Bloch, his eyes under their bushy brows puffed with fatigue, submitted almost wearily a motion for a new trial on cumulative Constitutional grounds already stated during the trial; essentially, that the judge's conduct had served to prejudice the defendants and make a fair trial impossible. It was, of course, denied.

Then, in spirited eloquence, Harold Phillips, who was seventy-six years old, not only joined in the same motion for Morton Sobell, but argued for an arrest of judgment for his client because the government obtained jurisdiction over him illegally, by arranging to have him kidnapped from his apartment in Mexico City and delivered into the custody of the FBI at the U.S. border. He submitted Sobell's story of the kidnapping to the judge in the form of an affidavit.

Saypol hotly attacked the move. "I submit to your Honor that the verity of what counsel has argued is as feigned as Sobell's defense, as counsel's seeming vehemence, as the nature of the defense, and the course that was pursued in an attack on the prosecutor. . . ." Furthermore, said Saypol, there are precedents that the court need not concern itself with the circumstances under which a defendant is brought to trial from a foreign place.

Judge Kaufman voiced astonishment that the eloquent Phillips would attempt to heap scandal on the Justice Department and its FBI by suggesting that it produced spurious evidence that Sobell was deported from Mexico. But more than that, said Kaufman, Phillips failed to put Sobell on the stand to deny the government's allegations, "and that I will never understand." Nor, he said, did Sobell's defense attempt to show that Sobell

left the United States openly and under his own name. "You could have called an airline official."

Phillips confessed his error. Part of it, he explained, came from disagreements with his associate, Kuntz, who was adamantly opposed to permitting Sobell to testify.

It was unfortunate then, said Judge Kaufman, but there was no legal merit to the motion and he denied it.

After that, there was a plea by Saypol for the maximum penalty "in defense of our freedom" because, paradoxically, "leniency would be merely an invitation to increased activity by those dedicated to the concept that compassion is decadent and mercy an indication of weakness." And there was no doubt, he said, that the Rosenbergs had affected "the lives and freedom of whole generations of mankind."

Bloch did not plead for mercy, but sternly proclaimed that his clients were innocent, and that he would continue tirelessly to seek ultimate justice for them. In the meantime, he urged the court not to succumb to the hysterical delusion that the Rosenbergs, even if guilty, had advanced the development of the Soviet atomic bomb, or, as Saypol suggested, triggered the Korean war.

His comments were prophetic, for that is exactly what Judge Kaufman did. He directed the Rosenbergs to stand, and he assailed their crime as "worse than murder." He believed, he said, that they had given the Russians the atomic bomb years before they could have otherwise perfected it; and this had caused "the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason."

It was noon when the judge began to speak, and the bells of St. Andrews Catholic Church across the square were sounding the hour. Julius, slightly overweight from the starchy prison food and lack of exercise, stood erect, rocking back and forth gently on the balls of his feet. Ethel, tiny and even frail beside him, was grasping the chair before her, *The New York Times* observed, "with a white-knuckled grip." Her other hand was clasped in the hand of Julius.

Judge Kaufman spoke for twenty minutes in a hoarse, faint voice, denouncing the stunned couple with an almost studied eloquence. He saw not the courage of a Nathan Hale in this brand of espionage, but the "sordid, dirty" work of citizens betraying their own country to a power whose true nature could no longer sustain idealistic rationales.

"The issue of punishment in this case is presented in a unique framework of history. It is so difficult to make people realize that this country is engaged in a life and death struggle with a completely different system . . . which is challenging our very existence." He found no mitigation of the crimes of the Rosenbergs in that Russia was not hostile to the United States in 1944 and 1945, because the Rosenbergs chose to set themselves above the authority of the land whose decision it was not to share atomic secrets with the Soviet Union.

His duty, as he saw it, was to pass such sentence on the Rosenbergs, "the principals in this diabolical conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate. . . ."

Judge Kaufman had searched the records and his conscience to find reason for mercy and he could find none.

"It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done. The sentence of this court is . . . you are hereby sentenced to the punishment of death, and it is ordered that upon some day within the week beginning Monday, May 21st, you shall be executed according to law."

Kaufman declared a brief recess and four marshals hustled the shaken and ashen-faced Rosenbergs out the rear door and down to the basement lockup. Ten minutes later and Morton Sobell stood before the bench, tense and white.

Phillips made his final plea for leniency. Sobell had been proven guilty of nothing more than perhaps being agreeable to obtain information for Russia, not that Phillips would concede even that. But there was not a shred of proof that he had committed any overt act, nor had he been accused of one. The law allowed the court to impose the barest minimum sentence, he

said, because it specified no minimum, and "I bespeak for Morton Sobell your Honor's utmost consideration."

There was no sign that Kaufman had even heard him. He had no sympathy for Sobell and his associates, he declared, "but I must recognize the lesser degree of your implication in this offense. I, therefore, sentence you to the maximum prison term provided by statute, to wit, thirty years." In addition, he said, he would recommend Sobell be denied parole.

The Rosenbergs and Sobell, along with Mrs. Sobell and their assembled attorneys, were allowed by U.S. Marshal William Carroll to have lunch together in a basement conference room. Morton and Helen Sobell sat holding hands. The lawyers began to talk with confident optimism about appeals to higher courts, and the atmosphere lightened somewhat although no one ate much. As the luncheon neared an end, Emanuel Bloch indulged in a fit of self-recrimination and Julius found himself reassuring the distraught barrister. The verdict was inevitable, he said with bitterness, in the atmosphere of the times. The government had determined to make the Rosenbergs the horrible example to silence all political dissent.

Confined in separate cells in the courthouse basement, Julius and Ethel sought to bolster each other's spirits by singing. Ethel sang "*Un Bel Di*" and "*An, Dolce Notte*" from Puccini's *Madame Butterfly*, and then the popular ballad, "Goodnight Irene." She sang, the marshals told reporters, in a clear, strong voice. Julius sang "The Battle Hymn of the Republic," but did not receive any such critical praise.

Sobell was taken immediately back to the Tombs but one of the marshals told Julius that he and Ethel might be shipped off to the Sing Sing prison death house that night. Julius instantly called out to Ethel, "Don't be scared if some clown tells you we may be taken to the death house tonight. Everything will be all right. They can't do that." Later that afternoon, they were returned to their separate prisons in Manhattan.

David Greenglass appeared before Kaufman the next day for sentencing. Saypol urged a 15-year prison term, and Rogge, in his only court appearance for Greenglass, who had paid him

\$3,900, argued that "if the government wants people in the position of David Greenglass to come forward and cooperate, it must give him a pat on the back." He suggested a term of three years.

Judge Kaufman said he liked to think that he gave "neither a light sentence nor a heavy sentence, but a just sentence," and he gave David Greenglass 15 years in prison.

Rúth Greenglass, seated in the front row of the spectator benches, caught reporters' attentions when she heard the sentence. She shuddered violently and fell forward against the rail, all but collapsing to the floor.

Judge Kaufman later told reporters that the trial had dangerously exhausted him, that he had never been so tired in his life, and that he had slept only a total of ten hours in the week between the verdict and the sentence. It was a tortured week for him, he said, in which he searched his soul daily for the wisdom to dispense justice. He had even sought spiritual guidance in his synagogue. Two days later and he was in Florida, embarking on a yachting trip with a friend, Hartford attorney Charles Dodd (later U.S. Senator from Connecticut). Kaufman's travail had just begun.

8. Life in the Death House

... the next lap of our history-making journey....

—ETHEL ROSENBERG

• THE day after the Rosenbergs were sentenced, Emanuel Bloch, in contrast to the magnanimous courtesies he uttered at the close of the trial, became an angry man.

The Rosenbergs, he told reporters, "are victims of political hysteria... their sentence was based on extraneous political considerations having no legal or legitimate connection with the crime charged against them."

His remarks, most people seemed to feel, were no more than could be expected of a loyal defense attorney, but there didn't seem to be much substance to them. In a typical editorial comment, the St. Louis *Post-Dispatch* said: "The death sentences... seem completely justified," adding that the electric chair could well "stand as a warning to any others who are not repelled from treason by love of country, but who must be restrained by fear." The Rosenbergs had not committed treason by any legal definition, but no one noticed the difference.

As far as the mass of Americans was concerned, the Rosenberg case was over and done with and good riddance. Ethel's departure from the Women's House of Detention for Sing Sing on April 11 was duly noted in the New York newspapers, but barely mentioned elsewhere. Emanuel Bloch, alerted by a reporter that Ethel was being moved, scurried crosstown from his

office to find Ethel “realistic about it all, pointing out that she was being taken to the death house in an effort by the government to break her spirit,” for there were no plans to send Julius there yet. Bloch reported that Ethel’s sister inmates and the matrons on the 9th floor were seized by tears and wails of grief at her departure, and when the car containing Ethel and the guard of marshals and matrons pulled away from the prison courtyard, where a crowd of some 30 onlookers had gathered, the inmates clamored against the barred windows and “pandemonium broke loose,” the women shouting and screaming farewells. Bloch either exaggerated the scene or imagined it, for no one else who was there recalled any demonstration. Ethel, who wore a pink blouse, a gray plaid skirt, a gray wool coat and a black hat, was taken to Sing Sing handcuffed to a matron in the back seat of a car which also contained U.S. Marshal William Carroll. He said Ethel chatted gaily “about spring and other matters” during the trip up the Hudson.

Enraged, Bloch immediately instituted habeas corpus proceedings in federal court in an effort to have Ethel returned to New York pending appeals, but it took the court more than a month to dismiss Bloch’s contention that putting Ethel in the death house constituted “cruel and unusual punishment.” Bloch even submitted the opinion of one of New York’s more famous psychiatrists, Dr. Fredric Wertham, who, although he was denied permission by the court to interview Ethel, hazarded the view that continued solitary confinement in such a place might well drive her mad.

The U.S. Attorney’s office said it had moved Ethel to Sing Sing because there were no facilities in the Women’s House of Detention for her segregated confinement, as the law requires for condemned prisoners. There were, however, solitary cells in the Federal House of Detention where Julius was to remain for another month, reading avidly, singing loudly to himself, and killing cockroaches. On May 15, he joined Ethel and it was the first time in Sing Sing’s history that a man and his wife had been confined on death row. The Rosenbergs were also the first native Americans ever to receive the death penalty for

espionage, and Ethel was the first woman condemned by a federal court since Mary Suratt, who was hanged for her part in the assassination of President Lincoln. The cells of Ethel and Julius were only about 30 feet apart, but they were separated by a steel door set in a concrete wall. Ethel was alone in the women's sector of the building, while the cells around Julius held seven men awaiting execution.

Blöch, who had taken over from his father the continued defense of Ethel, hurried up the Hudson to visit his clients soon after Julius arrived there. He helped Ethel plan a course of self-study in music and American History, loaded her up with such books as the Beards' *Rise of American Civilization*, and Vernon Parrington's *Mainstreams of American Thought*. He also brought her a plastic pitch-pipe (metal objects are forbidden condemned prisoners) and sheet music for Brahms' *Lieder*, and some songs of Schubert and Schumann.

Ethel at first gave in to despair, Bloch reported, and on his early visits he found her without lipstick and makeup, and her hair uncombed, "not caring how she looked." But after Julius arrived, her spirits revived and later she even made herself a new dress to wear during the weekly visits which were later arranged.

The women's wing of death row consisted of three cells and a corridor which opened onto a tiny exercise yard surrounded by a wall 10 feet high. Ethel was alone in the wing throughout her two years there, except for the matron who sat at a small desk directly in front of her cell which, incidentally, had been occupied until a month previously by lonely hearts murderer Martha Beck. Ethel had a small radio free of the prison's central radio control, and she could order magazines without limit from the matron, who also played handball with her for hours every day during nice weather. Eventually, it was disclosed that Ethel was the most expensive prisoner Sing Sing had ever had. It was costing the federal government more than \$200 a week to keep her there, the bulk of the cost being the salaries of the four matrons who were hired especially to guard her.

The government had chosen Sing Sing, a state prison, for the

joint electrocution because the federal government did not have its own execution facilities in New York State—and because Sing Sing was convenient to the legal machinery which, obviously, would continue to operate for some time. Bloch's initial notice of appeal filed April 6 had automatically set aside the May 21 execution date set by Judge Kaufman, and it would be at least a year before the normal avenues of appeal would be exhausted. So the Rosenbergs faded from the headlines. °

The Korean war had taken a series of demoralizing turns. General MacArthur's brilliant invasion at Inchon the year before, and his subsequent sweep up the Peninsula to the Manchurian border, had been turned into disaster by the hordes of four Chinese armies pouring into Korea across the Yalu River. All of North Korea had been seized anew by the Communists, and even the South Korean capital city of Seoul had fallen for the second time to the enemy. Then in mid-April, President Truman fired MacArthur from command in Korea, and the general came home to a civic welcome never accorded a military man before in U.S. history, especially a military man who had defied and criticized the President. Truce talks began soon afterward in the bleak Korean village of Panmunjom, but it was apparent from the truculence of the enemy that, as General MacArthur had said, unless the United Nations forces struck at the enemy's source of manpower and supplies inside China, it would be a long and stalemated war. MacArthur was not alone in this belief, nor in the proposal to issue China an ultimatum to either get out of Korea or face a nuclear war. The UN took one step in this direction by voting an arms embargo against China.

All the headlines heralded news of a menacing urgency.

In Czechoslovakia, Associated Press Correspondent William Oatis was tried and sentenced by the Communists to 10 years imprisonment as a spy, and throughout the remainder of 1952, the East and the West exchanged harassments: China invaded Tibet, the U.S. suspended tariff concessions to Communist countries, a U.S. Air Force C-47 was forced down into Hungary and its crew held in what amounted to \$120,000 ransom

which was paid by the U.S. Treasury; in retaliation, the U.S. shut down the Hungarian consulates in New York and Cleveland and forbade American citizens to travel in Hungary. In September, the Japanese Peace Treaty was at last signed in San Francisco, and President Truman marked the event with a speech that inaugurated transcontinental television broadcasting.

It was the beginning of the second half of the twentieth century, and the nation seemed to greet it not as the beginning of a promising age, but as the burial of a comprehensible age. There was responsible speculation that man might destroy himself, and while the nation seemed to alternate between fear and resolve, even more dispassionate minds were so obsessed with immediate perils that the central problem of mankind at this juncture in history could not be stated.

William Faulkner had won the Nobel Prize for Literature the year before and had assured us that man would not only survive, he would prevail—but that was just one man's opinion.

2.

JULIUS and Ethel were together for the first time since their arrest. Bloch had come to Sing Sing to confer with them jointly in a death row counsel room shortly after Julius arrived there. They embraced each other with an explosive fervor that distressed Bloch acutely, and it was the last time that Julius and Ethel were ever permitted to touch each other. All future meetings with their attorney were conducted with the couple separated by two guards and a table seven feet long. Bloch could not decide which was the greater cruelty. In time, Julius and Ethel were permitted to visit together for an hour a week, a forlorn arrangement whereby Ethel remained in her cell and Julius occupied a chair in the corridor with a metal mesh screen placed in front of him.

The children were brought to Sing Sing for their first visit on August 1, 1951. It was the first time they had seen their

parents in more than a year, and Julius and Ethel had a frantic exchange of letters with each other and with Bloch trying to decide how to handle what began to take on the dimensions of a confrontation. Ethel masterminded the "approach" they would take with the boys, instructing Julius to "give them the impression that we are not unduly upset," and thus "set the stage for the proper reaction." They could not know, of course, how much the two children understood of their plight, especially as to the death penalty. If Michael asks about the method of death, Ethel recommends, Julius is to explain briefly "that it is painless electrocution, which we believe will never come to pass, of course."

The most important thing, Ethel believes, is in the children's overall attitude which she recognizes cannot be imposed in one or even several visits, but which will come as the result of a "continuing campaign." She will first pass on to them her own serene understanding of "the people who solved their own problems by lying about us." She will tell them, she advises her husband, that "it is all right to feel any way you like about those people, as long as your feelings don't give you pain and make you unhappy." Generally, Ethel counsels, "if we can face the thought of our intended execution without terror, so then will they."

Michael, eight years old, and Robert, who was four, were still being cared for in the Bronx shelter, but would soon move in with Julius' mother in a new Washington Heights apartment the Rosenberg family had pooled its resources to provide for her. A sister of Julius, Mrs. Lena Cohen, also shared the apartment.

When the boys arrived at the prison with Bloch, Michael noisily insisted that he and Robert be "frisked," and a guard sheepishly complied. The boys saw their mother first, shortly before lunch, and Ethel afterward assayed the visit as less than the success she planned for. "I don't think I was enough in control of myself to accomplish anything very far-reaching."

After lunch, they spent an hour with their father and Bloch in a counsel room. Robert seemed almost totally unaware of

his parents' situation, repeatedly asking his father why he didn't come home. Michael was painfully shy and reserved, hardly looking at Julius who finally coaxed him into conversation with candy from the prison canteen and by singing folk songs in which they haltingly joined. Michael did inquire about the death penalty without indicating whether he understood the answers, but what appeared to trouble both boys most was that Julius had shaved off his mustache. "The fact is," Julius reported, "both children are disturbed." On the ride back to New York, Robert told Bloch that "Mommy seemed smaller" and Michael said that "Daddy's voice has changed."

The visit must have unnerved Ethel more than she admitted, for the next two days she suffered violent migraine headaches and an upset stomach. In a letter to Julius immediately afterward, she voiced her anguish:

I think I had better go to sleep. The tears have begun again. Darling, I need you, love you—oh, my God, where is there an end to this wretched, horrible Torment!

But in her next letter, she had put her own torture back into its political perspective.

And tell me, oh my sister Americans, how long shall any of
• your own husbands and children be safe if by your silence you permit this deed to go unchallenged?

This is not to say that Julius or Ethel were insincere in their concern over their children, and perhaps there is no parent who could adequately prepare his children to accept his impending execution. For the next several letters, Julius and Ethel gave their attention to the more prosaic problems of arranging simply for the day-to-day care of the two boys, planning a selection of toys, reading the left-wing *National Guardian* in search of suitable children's books. And soon Ethel writes that she confidently expects to be released a free woman. *In all justice, there can be no other end to this horror. So, say I, let's be gay about it. . . .*

The exchange of letters also allowed them to relieve themselves of their political hostilities, to lament "the wave of political persecutions" sweeping the country, to applaud U.S. Attorney Irving Saypol's chastisement by the U.S. Circuit Court of Appeals for browbeating a witness in the William Remington trial, and to reiterate the shabby facts of their own "frame-up."

The Rosenbergs were also visited periodically by members of Julius' family, his mother Sophie, two sisters, and a brother David, all of whom did what they could, including the raising of \$500 toward the trial transcripts and other costs involved in the initial appeal. Except for Mrs. Tessie Greenglass, however, no member of the Greenglass family came near Ethel, and Tessie only came once and only to beg Ethel to confess. Ethel reported the incident to Bloch:

"She said, 'So what would have been so terrible if you had backed up his [David's] story?' I guess my mouth kind of fell open. 'What,' I replied, 'and take the blame for a crime I never committed, and allow my name and my husband's, and children's, to be slandered to protect him? And go along with a story that I knew to be untrue, where it involved my husband and me? Wait a minute, maybe I'm not getting you straight. Just what are you driving at?'

"Believe it or not, she answered, 'Yes, you get me straight. I mean, even if it was a lie, you should have said it was true anyway. You think that way you would have been sent here? No, if you had agreed with what Davey said was so, even if it wasn't, you wouldn't have got this!'

"I protested, shocked as I could be. 'But, Ma, would you have had me willingly commit perjury?'

"She shrugged her shoulders indifferently and maintained doggedly, 'You wouldn't be here!'"

To Mrs. Greenglass, who tried to explain it all later to a newspaper reporter, Ethel was as incomprehensible as ever. "Ethel always fought for everything she wanted," she said gropingly, "and during the war I never heard from Davey. I thought he was pushing a wheelbarrow at Los Alamos." Then, in cap-

sulated clarity, she said, "I can live on bread and water, if only no heartache."

The next visit with the children, in early September, was much more successful by both their standards. The boys were less quiet and reserved, and Michael, who had apparently been talking about electric chairs with playmates, pressed his father for the minute details of this manner of dying.

"I told him," Julius reported to Ethel, "that we were not concerned about that; we were innocent, we had many avenues of appeal, and that it was not his job to be concerned about it, but to grow up and be well. He asked me how you died and I told him. He asked if there was an electric chair here and I said 'yes.' He kept on asking about the appeals, and what if finally we might lose and death faced us? I kept on reassuring him but I could tell he was terribly upset. . . ."

Later, as the boys were leaving, Michael clutched at his father's trouser leg, saying, "Daddy, maybe I'll study to be a lawyer and help you in your case."

Julius recognized "that the baby and Michael are both frightened and only our early return to them will heal all the harm done." There was, of course, no return at all and before it was over, Julius and Ethel had permitted a great deal more harm to be done.

The most persistent theme in all these letters and one which seems to have been almost compulsive, was the interminable restating of their innocence to each other which, if it had been true, should have been the basis of their thought rather than the expression even if they were trying to impress prison officials who censored the letters.

Perhaps, as the late critic Robert Warshow suggested in a study of these letters which appeared in *Commentary*, the Jewish review, literal truth was something of which Julius and Ethel had no comprehension. The symbolic language of Communism, which was born in America in the 1930's, had become an abstract litany understood only by the faithful as Communism lost its popularity and became once more a catalogue of alien conspiracies.

In one letter to his wife, Julius writes that he has clipped a copy of the Declaration of Independence from a July 4th issue of *The New York Times* and taped it to the wall of his cell. He is moved, he says, to read once again this statement of "free speech, freedom of press and of religion . . . these rights our country's patriots died for can't be taken from the people even by Congress and the Courts."

The Declaration of Independence, of course, contains no mention of free speech, freedom of religion or freedom of the press, so obviously his impression of its contents was not obtained from reading it. He knew it stood for America and that America stood for freedom, yet he would have called you a liar if you said that he had never read the Declaration of Independence and he might well have believed that he had, indeed, read it.

One wonders, then, if his, and Ethel's, repeated denials of guilt were little more than a declaration of delusion, intended only for each other.

But there is more revealing evidence than this. In another letter, addressed to Emanuel Bloch, Julius tells of his evolution as a "progressive individual" in terms that make it amply clear he is an unrepentant Communist, arrayed with his sore sense of injustice against an indifferent and corrupt reality. There is no mention of Communism as such in the letters, with one exception.

The letters were assembled finally into a 150-page paper-bound book that was sold throughout the United States and Europe for one dollar to raise a trust fund for the Rosenberg children. In a letter of June 21, 1951, which appeared in the French text, Ethel referred to the recent Smith Act convictions as an "unjustifiable attack on a legally constituted American party! The specter of Fascism looms enormous and menacing. . . ." This letter was omitted from the book's U.S. edition. Few French readers had any clear knowledge of what the Smith Act was and whether or not the Communist Party was a legal political entity in the United States, as it is in France.

It has been suggested that the Rosenbergs did not write

these published letters, but there is no real reason to question this. They convey an honest anguish in the face of death, and they convey a total emptiness of identity consistent with the kind of people they were. It does not seem necessary for a man to constantly remind his wife that he and she are Jewish, or to dwell on the platitudes that define the nature of their religious heritage.

"At Hebrew school, I absorbed quite naturally the culture of my people, their struggle for freedom from slavery in Egypt," Julius writes to Ethel.

The Rosenbergs, who had clearly and unashamedly turned their backs on the faith of their fathers a decade earlier, are now compelled to cloak themselves in secondhand dimensions of a remembered catechism, trying to fulfill an image that, by design or accident, was expected of them: two suffering Jews. They could have assumed, and did, any other role as easily, and believed in it just as strongly, without any notion of whether or not it was true.

3.

IN August of 1951, after four months of comparative silence in the public press, the pro-Communist *National Guardian* meekly launched a series of articles dedicated to the theme that the Rosenbergs had been condemned by a judge, a federal prosecutor and the FBI, all of whom connived to obtain a "verdict by passion." It was an extension of the line taken by the *Daily Worker* immediately after Julius and Ethel were sentenced: ROSENBERGS SENTENCED TO DEATH; MADE SCAPEGOATS FOR KOREAN WAR.

The *Guardian* series, by one William A. Reuben who later wrote a book entitled *The Atom Spy Hoax*, informed its readers that the Rosenbergs had been convicted on "trumped-up evidence—not so much to silence their own two small voices of political protest but rather to implant in the public mind with savage emphasis the belief that all holders of radical views are

a menace to the nation, and to silence through mortal fear, all who may dare to hold views at variance with those of the administration of our country."

The specter behind the scenes, Reuben suggested, was clearly Fascism, and these mid-century machinations were in the pattern of "the terror, the persecution and attempted political and economic annihilation of the Jews, the working class movement, and the progressive thinkers" of Nazi Germany. It was happening here! The series also attacked the evidence. All that implicated Julius, one inferred, was some college notes the FBI found in the Greenglass apartment. Elizabeth Bentley's conversations with "Julius" were actually with Klaus Fuchs whose middle name was, in fact, Julius, and his friends in England frequently so addressed him. The only flaw in this theory was that Fuchs was not in the United States at the time Miss Bentley had her telephone conversations. Harry Gold was dismissed as an "anti-Soviet adventurer," in the tradition of dismissal accorded all turncoat Reds. Further, the *Guardian* contended, the principles of nuclear explosion were known to the Soviet scientists long before Alamogordo, and the Soviet decision not to build atomic weapons earlier was no doubt a matter for humanist rather than military speculation. The paper cited the researches of a Russian physicist named Veksler, whose works were familiar to American scientists. Veksler's great contribution had been in the development of the "synchrotron," an improvement on the cyclotron which has nothing to do with nuclear explosions. In short, the *Guardian* did its best, as its opening headline suggested, to create a "Dreyfus Case of Cold-War America."

The series thrilled the Rosenbergs, and Ethel dispatched a letter of gratitude to the editor who printed it with unconcealed pride.

"It is because we were relentless," wrote Ethel, "uncompromising, implacable in implementing our beliefs with action, that we sit today in the gray walls of Sing Sing awaiting we know not what further pain and sorrow and eripitiness." There was actually a torrent of letters to the editor rallying to the

injustice, and this made Ethel "confident of our eventual release." The series concluded with the calculated suggestion for the formation of a Committee to Secure Justice in the Rosenberg Case.

The committee was formed initially in New York by Reuben, the author of the series, and two young men identified as journalists, Joseph Brainin and David Alman. The committee's formation received a brief announcement on November 14, 1951, in *The New York Times*, but Americans generally, apart from *Guardian* readers, were not aware of it. To extend the committee's influence nationally, the founders pressed into service the machinery of two Communist-front organizations, the Civil Rights Congress (not to be confused with the American Civil Liberties Union), and the International Workers Order, both of which went about forming chapters in some fifty cities.

In the meantime, the New York committee pursued the familiar Communist practice of obtaining support and prestige from people who were not Communists. In many cases it simply appealed to them directly, on some element of the total issue which they could in clear conscience identify themselves, such as opposition to the death penalty. Several of these people, who were to appear on the committee's literature as "sponsors," were signed up through the intervention of friends able to bridge the gap between Communism and radicalism, and some of them never knew their names were being used. If they complained, the committee would apologize for the "mistake" and remove the name. In late 1951 the committee printed stationery bearing the names of 37 sponsors. Brainin was listed as chairman and Alman as executive secretary, with offices at 1050 Sixth Avenue. Novelist Nelson Algren was the most famous name on the list, but of the remainder only three were listed in the current *Who's Who*: Author Waldo Frank, Editor Robert Morss Lovett, and Rabbi Abraham Cronbach, a sociologist. The management of the committee, including policy, strategy and finances, was handled by Brainin, Alman and Reubens.

The committee's failure to arouse the public in the first few months of its existence can be measured by the fact that when

Emanuel Bloch argued his first appeal before the U.S. Circuit Court on January 10 and 11, 1952, there was no one there except a handful of newspapermen.

The basis on which the Rosenberg Committee was operating clearly revealed as time went on that the Communist hierarchy, the obvious masterminds of the whole campaign, had decided to keep the Rosenbergs silent by a gallant and romantic crusade which, in its crude assault on the U.S. Government, could only antagonize the very authority which was the Rosenbergs' only hope of life. The Communists knew what the FBI apparently did not: Julius and Ethel could resist fear of death or punishment, but they could not resist the delusion of immortality.

In January of 1952, the committee began to step up its campaign. Full-page advertisements, with noble and long-suffering quotations from Ethel, appeared weekly in the *Guardian*, and at the same time, Reuben, Brainin, Alman and Mrs. Morton Sobell went on speaking tours to bring the horror of both the death house and America's burgeoning Fascism to all the densely populated areas in the United States, and everywhere they went they managed to collect money. Admission charges to a Rosenberg committee meeting were customary, and if not there was sure to be a collection timed with revival meeting expertness.

The meetings followed this theme: The Rosenbergs were prosecuted because the U.S. required a scapegoat for the Korean war. The Rosenbergs were chosen as the victims because they were Jews and because they were "progressives." Although the judge who presided at the trial, which was always branded a "mockery of justice," and the prosecutor were both Jews, they had condemned two of their kind to establish their own independence of the "Jew-Communist-spy stereotype." As further proof, the committee demanded, why were there no Jews on the jury? In a city of eight million people, more than a third of whom are Jews, it seems inconceivable that not one Jew would be selected. More than a score were called, but all were excused. The committee contended that neither the prosecution nor the judge wanted to run the risk of a hung jury by

having a possibly sympathetic Jew on the jury. The fact was that Bloch excused, peremptorily, as many Jews as the government did, and for an opposite reason—because he realized, with more astuteness than he was given credit for, that the average Jew was hostile to rather than sympathetic toward the Rosenbergs. His fear was borne out in the two years following the trial, for no Jewish organization ever came to the aid of the Rosenbergs. A number of rabbis pleaded for clemency from the pulpits of their individual synagogues, but American Jewry, as such, wanted no part of Julius and Ethel.

It is one of the inconsistencies of the American attitude toward legal justice that the strategy of jury selection, which is as important as evidence, becomes reprehensible only after the trial, and only on the part of the losing litigant. Both the prosecution and the defense not only had the right, but the duty, to eliminate from the jury any type of person, for whatever reason, who might possess inherent prejudice or sympathy. Saypol, for example, spent several peremptory challenges to dismiss talesmen whose background was one of strife and struggle in labor. One such was a longshoreman whose wife was a domestic servant.

One of the committee's more typical early rallies was held April 29, 1952, at Far Rockaway, New York, under the aegis of the Jewish Peoples' Fraternal Order, a branch of the International Workers Order. Some 85 persons were present to hear speeches by Alman and by Mrs. Sobell. The meeting was described by Dr. S. Andhil Fineberg, Community Service Director of the American Jewish Committee, in his book *The Rosenberg Case*.

I have never seen an audience more under the control of a spell-binder than the one that listened to Mrs. Sobell at Far Rockaway. As she spoke men groaned and the women sobbed. . . .

A feature of the meeting, announced in the notices, was to be a question and answer period. After Mr. Alman's speech . . . I asked the chairman whether I could put some questions to Mr. Alman. But the chairman glowered at me, as did the audience, and said, "The question period will come later." After

Mrs. Sobell spoke, I wanted to question her. Again I was told to wait for "later." At that moment the collection was taken. I soon realized that nothing was to be said that might interfere with a thorough extraction of every possible dollar and dime (beginning with a \$100 pledge). The "take" was about \$570. (A similar gathering in Long Beach, California, with only a recording of Mrs. Sobell's remarks, netted \$1,500.)

When the collection was safely over, I addressed myself to Mrs. Sobell. The stage had by then been properly prepared for the reception of my inquiries. While I was asking my first question Mrs. Sobell dropped to the floor in a faint. This raised the resentment of the audience . . . to a still higher pitch. One man thrust his hand to his heart and rushed out of the room, pretending I had caused a heart attack. Another simulated the same gesture and started for the door but, seeing this act was already being performed, returned to his chair.

During this interlude, Mrs. Sobell rose and was escorted from the room, thus escaping the need to answer inconvenient questions.

For all Mrs. Sobell's histrionics, Dr. Fineberg said, one remark clung to his memory. Midway in her speech she had said, "Julie and Ethel could save their own skins by talking, but they will never betray their friends."

In November, 1952, Mrs. Sobell's problems and her distress were doubled. Her husband was formally committed to the Federal Prison on Alcatraz Island in San Francisco Bay to begin serving his 30 years.

4.

THAT the carcass of Fascism could have been exhumed with such enthusiasm after all these years is no doubt a testimony to the predictability of the human mind conditioned by the Party's Pavlovian kind of dogma. To those whose concern over the word Fascism was historic, a category which included most Americans, the Rosenberg crusade was unknown

and it continued on its cloistered little way for almost a year, until November 19, 1952, when a "theater rally" in New York City drew more than 2,000 persons with such sponsors as Paul Robeson, actress Ruby Dee, and artist Rockwell Kent. From that moment on, the Rosenberg committee's program gathered international momentum, partly the result of a sizable treasury collected during the previous year. (Two years later, Mrs. Emily Alman, wife of one of the committee's founders, testified before the House Un-American Activities Committee that, as Rosenberg crusade treasurer, she handled nearly \$300,000 during 1953.)

In the meantime, the committee inundated the nation with tons of tracts and "fact sheets," the point of which was to solicit the emotions of people who were otherwise uninterested. The tracts all carried effusions of gratitude and warning allegedly written by Julius and Ethel. One of them was this:

We cannot believe that we are simply victims of some nightmarish miscarriage of justice, that we are victims of a case of mistaken identity. It seems to us inevitable that five years of oppressive laws, a wave of persecutions, of heresy hunting, should lead to the barbaric sentence of death against two innocent persons.

We are an ordinary man and wife, and it was inevitable that ordinary people would be grievously persecuted by the history of these past few years.

Like others we spoke for peace, because we did not want our two little sons to live in the shadow of war and death. Like others we spoke for the liberties of our fellow citizens, because we believe, and want our children to believe, in the fine democratic traditions of our country.

That is why we are in the death house today, as warning to all ordinary men and women, like you yourselves, that there are forces today which hope to silence by death those who speak for peace and democracy.

But you see, we are not silent today, even though we are behind bars. And we say to you that no matter what happens to us, you must not be silent.

We are not martyrs or heroes, nor do we wish to be. We want to live, we want to be reunited with each other, we want to be with our children again. But we will not pay the price that is asked of us to betray our hopes for a peaceful, neighborly, democratic world which our children and all children need if they are to carry on the human race.

The pamphlets contained photographs of Julius and Ethel, and photographs of their children as well. What they were saying was buried, perhaps inescapably, beneath the image of two innocent children orphaned by the electric chair. Nor was this the only manner in which the Rosenbergs permitted the committee to exploit the children. They appeared on the stage at several rallies in the New York area, they were photographed constantly in the most heartrending poses of supplication to American justice to give them back their parents, and in January of 1953, when the first Rosenberg picket line appeared in front of the White House, Robert and Michael were there, too, holding up crudely-lettered placards which said SAVE OUR MOMMIE AND DADDY. The Rosenbergs' attorney had countless offers of foster homes, both permanent and temporary, where the two boys would be spared the ugly melodrama in keeping with their parents' stated wish to undo the harm that had been done, but Julius and Ethel would not permit it. They would be freed, they said, and they wanted their children.

Later, Michael went to Washington to present a letter to President Eisenhower only a few days after he had taken office. Flanked by an escort of committee officials, Michael got as far as the White House gates where he turned the letter over to the guards. It said, *Please let my mommy and daddy go and do not let anything happen to them.*

This highly publicized stunt ended whatever chance the boys might have had to escape the clamor. Julius' mother had been unable to continue caring for them a year previously and foster parents had been found for them by Bloch in Tom's River, New Jersey, in the suburban home of a feed salesman named Bernard Bach, who had two children, a boy and a girl, of his

own. He and his wife gave the boys exceptional care and affection, and their identity was unknown to the community until the Rosenberg committee chose, with the approval of Julius and Ethel, to make it known. Obviously, people who could accept the duly legal execution of two Communist spies felt less righteous about it when they saw that the ultimate penalty would be paid by two innocent children.

During this year, Michael and Robert continued to visit their parents in prison about once a month, usually being driven to the prison by Bach in his station wagon. The boys regarded the event as an exciting outing, and they were often unruly. After they became a part of the crusade, however, the feverishness of it all bore in on them and they became increasingly surly and morose, Michael frequently telling guards and an occasional newspaperman that his mommy and daddy were innocent.

The picket line which paced the White House sidewalk at Christmastime of 1952 was the second such public demonstration and at last Americans in general were aware of the Rosenberg drama. On December 21, nearly 800 New Yorkers boarded a chartered eight-car New York Central train and went to Ossining to bring Christmas greetings to Julius and Ethel. The publicity given the event in advance had indicated a far larger crowd and when the train arrived, the town of Ossining—its inhabitants in a none-too-charitable mood toward what they regarded as left-wing agitators—was ready for them. If the demonstrators from Manhattan had come to Sing Sing to make trouble, and headlines for their cause, they would have little opportunity. Ossining Police Chief Spencer Purdy ordered all streets leading to the prison on the south end of the town barricaded, and he refused to allow the demonstrators to leave the area of the railroad station. In addition, and unknown to virtually everybody, Purdy had rounded up an estimated 500 policemen, deputy sheriffs and state troopers from throughout Westchester County, and stationed them in an abandoned wire factory nearby with a fleet of buses assembled to speed them to trouble in large numbers.

It was a raw, cold day with an icy rain falling steadily. The

demonstrators had obviously been coached in advance and they emerged from the train in orderly lines that wound snakelike up and down the platform. At last they started up the ramp that crosses the tracks toward town. At the outskirts of the railroad station parking lot half a block away they were halted by the barricades and their leaders informed by Chief Purdy that they could go no farther. A few townsfolk had gathered to watch them, but it was too cold and wet to watch for long. The shivering demonstrators began forming into lines which moved silently in circles around the parking lot while the leaders remonstrated with police, finally obtaining permission for half a dozen members of the group to walk as far as a barricade near the prison's north gate where they deposited a large basket of flowers bearing the legend *Greetings to Julie and Ethel from the People*. In the prison parking lot, meanwhile, the demonstrators had begun to sing Christmas carols, "Kevin Barry" and "Solidarity Forever." Then they marched back into their train and were gone. At the prison barricade, the flower basket lay untouched on the ground all that day and part of the next before a garbage truck removed it. The heavy rain had crushed the flowers.

During the last few months of 1952, the committee circulated nationally what it termed "*amicus curiae*" petitions, allegedly setting forth the legal defects in the Rosenberg case. The committee planned to submit the petitions to the U.S. Supreme Court. They collected some 60,000 signatures, and they were sent to the Supreme Court. It was a meaningless gesture legally, however, because no effort was made to place the petition before the Court as a valid document.

It was not until the end of 1952, more than a year and a half after the Rosenbergs were convicted, that the fate of the couple became a public issue in Europe. The case had received very little attention, beyond routine news coverage. But the formation of Rosenberg committees loosed almost simultaneously—in London and Paris, and afterward in Rome, Vienna, Copenhagen and in Israel—a growing avalanche of protest into a score of U.S. consulates and embassies. Coincident to this was the

trial and execution by hanging of Rudolf Slansky and 7 other "bourgeois, nationalist, Zionist" Jews in Prague, Czechoslovakia, on December 3, 1952. Six days later, as the French Rosenberg Committee was gathering strength, French Communist leader Jacques Duclos declared that "the conviction of U.S. atom spies Julius and Ethel Rosenberg was an example of anti-Semitism but the execution of eight Jews in Czechoslovakia last week was not." It seemed like a calculated move to submerge any public outcry that might be expressed over the Slansky trial, but perhaps its principal effect was that it made Europeans intensely aware of this pathetic, doomed American couple and their two helpless children.

This, apparently, was the image that clung to the consciousness of people everywhere. The urges that arose from nearly all the hundreds of meetings and rallies being held in a hundred American cities was for mercy rather than justice. The Rosenbergs' crime, its details now two years removed in memory, tended to further lose itself in the electric importance of mankind's movements elsewhere and otherwise. Hope for an end to the Korean war was higher than it had ever been despite more than a year of stumbling truce negotiations. President Truman seized the strike-bound steel industry, and the U.S. Supreme Court, in a fine stroke of judicial independence, told him to give it back. The U.S. exploded the world's first hydrogen bomb on Eniwetok atoll in the South Pacific and, although the achievement was not officially confirmed for a year, rumors of it were clear indication that America's nuclear progress, however horrible, was supreme. And in the field of atomic espionage, Alan Nunn May, the British physicist whose spying for Russia was clearly far more profound, was released from a British prison after serving less than seven years of his ten-year sentence. Forgiveness was in the air, and the death of Soviet Premier Joseph Stalin in March, 1953, with its attendant expectations that East-West relations would profit by it, served also to sooth indignation over two old atomic spies. But as the horizon brightened for the Rosenbergs in what they imagined was the public attitude, there was a counter-effort that seemed

suddenly, and subtly, joined in the press. New York gossip columnist Leonard Lyons, for instance, noted that Julius' hopes for freedom were not shared by the officialdom at Sing Sing prison. Julius required the extraction of two teeth and their replacement by bridgework. Warden Wilfred Denno, apparently after a conference with the Justice Department, instructed the prison dentist to install only a temporary denture. And a few weeks later, Lyons reported that Ethel had instructed U.S. Marshal William Carroll to exclude all rabbis from the execution ritual. "We want no rabbis present," he quoted her as saying, "because rabbis are tools of the capitalistic state."

Both Julius and Ethel heatedly denied this latter item as a "vicious lie . . . intended to poison the public against us and help the murder plot against our lives." This same item also appeared in Walter Winchell's column and enlargements on it crept into other papers as a kind of theme.

5.

THE campaign to mitigate the case against the Rosenbergs progressed promisingly, soundly buttressed now by the uncovering of "new evidence" which, the Rosenberg committee averred, proved beyond a doubt that too many of the prosecution's witnesses had lied. First, the defense "discovered" the missing console table. It had been reposing all the time in the home of Julius' mother in Washington Heights. Some member of the Rosenberg family had taken it there after the Rosenbergs' apartment had been closed. The elder Mrs. Rosenberg never associated it with the table about which so much incriminating testimony had revolved during the trial. The table was clearly no microfilming apparatus, and chalk markings on its underside indicated that it had indeed come from Macy's at a price of \$19.97 plus tax. Joseph Fontana, a buyer for Macy's, partly confirmed the authenticity of the markings, but said he had never known a table to be marked with white chalk; they

always used a colored crayon he said. He could not positively identify the table, but admitted that Macy's had sold hundreds like it over the years.

Secondly, there were the confidential memoranda of O. John Rogge, the Greenglass lawyer. These memoranda had been stolen from Rogge's files, photostated and the original documents returned. Burglary had obviously been involved, but there was nothing anybody could do about it because the photostats made their appearance not in the United States but in France from where they were imported.

(In 1955, in an appearance before the House Un-American Activities Committee, David Alman, one of the Rosenberg committee founders, was asked if he had stolen the Greenglass papers. He refused to answer on grounds of self-incrimination.)

There were five memoranda: one from Greenglass, in his own handwriting, to Rogge; and four others to Rogge from various members of his firm who were involved in the case. A sixth memo dealt with a "deal" allegedly arranged by Rogge with the FBI on behalf of Elitcher.

The Rosenberg committee singled out the Greenglass statement as proof of his perjury. In it, Greenglass reviewed for Rogge his initial interview with the FBI. His statement, he said, had been purposely confused and vague and he had made every effort to protect his wife. He also said the FBI told him Harry Gold had called twice at the Albuquerque apartment. "I didn't remember this," Greenglass wrote, "but I allowed it in the statement." This revelation was used by the committee to make the point that it was the FBI and not Greenglass which had authored the confession.

Another memo told of Saypol's transferring Greenglass from the Federal Detention Building to the Tombs, cautioning Rogge not to mention to anyone that he would be housed on the infamous 11th floor.

Still another memo related an interview of Mrs. Greenglass by Rogge in which she said that her husband "had a tendency to hysteria... Once when he had the grippe he ran nude through the hallway shrieking of 'elephants' and 'lead pants.'"

Such a disturbed man could not be a reliable witness, the committee charged.

Another memo quoted Saypol as saying he would consent to Greenglass being indicted in New York, to supersede the New Mexico indictment and thus spare him the prejudice of a New Mexico jury, provided he would testify for the government.

There was nothing particularly significant about any of this, but when it appeared in the Rosenberg committee pamphlets it was a dark and sinister matter.

The third body of new evidence was an affidavit which the committee said showed that Schneider, the passport photographer, committed perjury and that the FBI knew it. The affidavit was that of FBI agent John A. Harrington admitting that, contrary to Schneider's testimony that he had not seen the Rosenbergs between the time he took their passport pictures and the moment he stepped to the witness stand, Schneider had been brought to the courtroom the previous day "to look around the courtroom and see if he saw anybody he recognized. I did not point out any specific person . . . and when he saw Julius Rosenberg he stated to me that that was the man whose picture he had taken."

Coupled to all this was a number of responsible challenges that the information obtained by the Rosenbergs from Greenglass or from any of their other alleged spy contacts was of no real value to the Soviet Union and, therefore, of no damage to the United States.

There was the 1949 report of the Joint Congressional Committee on Atomic Energy, citing "an unfortunate notion that one marvelous formula explains how to make [atomic] bombs and that it belonged exclusively to the United States. Actually, the basic knowledge underlying the explosive release of atomic energy—and it would fill a library—never has been the property of one nation."

The Joint Committee went on to say, according to an International News Service story of December, 1949, that "Russia has known the scientific secrets of atom bomb manufacture

since 1940, the year the United States began attempts to develop the missile."

And in his 1952 book *The Traitors*, the story of Klaus Fuchs, Alan Nunn May and Bruno Pontecorvo, British author Alan Moorehead points out that even the contributions of these three brilliant scientists to Russian nuclear development was vastly exaggerated.

• It was never within the power of Fuchs or anybody else to give the Russians the atomic bomb . . . the manufacture of the bomb depends entirely upon the existence of great industrial and technical resources, and of a body of trained scientists and technicians. . . .

The most valuable single piece of knowledge [Russia] obtained from America was that the bomb could be made and exploded and that knowledge they got without the help of traitors.

(If the Rosenbergs believed that Russia needed the information they provided, does the fact that the information was worthless reduce the severity of their crime?)

Perhaps one of the most concentrated attacks leveled by the Rosenberg defense and by the committee was on Greenglass' ability to transmit the information he said he did. To support this challenge, the defense collected the speculative opinions of a half a dozen noted men of science, most of them British but one of them a man who was once listed as a witness for the prosecution, Dr. Harold C. Urey, the Nobel physicist from the University of Chicago.

In a letter to *The New York Times*, in statements on behalf of the Rosenberg committee, and much later in the Foreword to a book written by a fellow Chicago faculty member, Dr. Malcolm Sharp, the law professor, Dr. Urey challenged the entire basis of the case against Julius and Ethel.

The Greenglass family had powerful personal motives, he said, to unjustly involve the Rosenbergs. He found the Greenglass testimony implausible, if not incredible, and he questioned as a matter of good sense accepting the testimony of

Communists and ex-Communists, especially when they profit by their testimony. His views were warmly shared by the great Albert Einstein, who telegraphed a plea for mercy to President Eisenhower.

Two noted British scientists, Dr. Thomas Reeve Kaiser of Oxford, and Dr. James Gerald Crowther, former director of the Scientific Department of the British Council, a government agency, submitted affidavits in which they described it as “in-conceivable” and “impossible” for a man of Greenglass’ limited training and experience to draw a cross-section of the Nagasaki bomb in the first place, and to reproduce such a drawing from memory five years later.

Even during the trial, Greenglass’ revelations had proven disappointing to such unofficial authorities as the *Life Magazine* science writer who wrote (March 26, 1951), “Greenglass’ implosion bomb appears illogical, if not downright unworkable.”

Yet somehow, this fails to bear on the essence of espionage which is, after all, not a matter of quality or success but of intent. If the Greenglass-Rosenberg effort was worthless, it wasn’t because they didn’t try.

All of this contentious material, and a great deal more, was actually submitted to the courts after having been used in this battle of the streets, so to speak. And it was in the courts, and not in the streets, that the fate of Julius and Ethel Rosenberg was decided.

9. Judgment

*There is a mercy which is weakness, and even
a treason against the common good.*

—GEORGE ELIOT

WHATEVER Emanuel Hirsch Bloch tried to do for Julius and Ethel Rosenberg, he did as a friend. At what point he lost his fine legal dispassion, assuming he possessed it in the first place, no one remembered. He struggled with superhuman vigor and persistence not to win a case in court but to save two people he loved from the executioner. And when the courts failed him, he let loose upon the world a remarkable fury which, in the end, helped destroy him.

Altogether in the two years and two months between conviction and death, the issues of the case were submitted to the U.S. District Court, the U.S. Circuit Court of Appeals and to the U.S. Supreme Court, in a total of 26 actions, 20 of which were the work of Bloch alone. It amounted to uncounted thousands of words of briefs, uncounted hours of painful and repetitious oratory for which the Rosenbergs paid him nothing. The Rosenberg committee may have assumed the legal expenses in the later days of the struggle, but by this time Bloch had become so deeply a part of the cause that he was no longer merely a lawyer representing a client: he appeared instead to be fighting for his own life against odds that, in the wake of successive rebuffs and defeats, loomed as hopeless. This was apparent even to Julius who, in one of his final letters to Bloch, to whom

both he and Ethel always declared their innocence, found solace in the fact that "we met you and became fast friends."

In his first appeal to the U.S. Circuit Court, an appeal aimed at reversing the conviction, Bloch argued some 25 points of law, principal among them being:

That the credibility of the prosecution's chief witnesses was suspect because these witnesses were themselves self-confessed spies whose testimony was clearly motivated by hope of being spared punishment.

That Judge Kaufman's conduct of the trial was brazenly prejudicial, in that his manner toward the defense was hostile, that he took too active a part in the questioning of witnesses and thereby emphasized the government's case, protected and rehabilitated the government witnesses.

That introduction of the issue of Communism was incompetent to establish motives for espionage and served only to inflame the jury.

That Elitcher's story of driving with Sobell to deliver a can of film to Julius was inadmissible hearsay.

That Judge Kaufman's remarks to the jury concerning "the new significance" of espionage laws in the nuclear age served only to prejudice the jury toward a guilty verdict, since anything less might appear unpatriotic.

That Greenglass' sketches of the atom bomb parts were improperly allowed as evidence, in that their authenticity as duplicates of the original was never established.

That when the jury requested portions of Ruth Greenglass' testimony be read to them, Judge Kaufman erred in not instructing that cross-examination also be read.

That the testimony of the photographer Schneider was not proper rebuttal testimony in that it served only to corroborate previous testimony; further, that Schneider was not listed in advance as a witness, as required under federal law in capital cases.

That Sobell was not part of the conspiracy of which the Rosenbergs were convicted, in that he had no knowledge of the transmission of any alleged atomic information.

That prosecution testimony branding Sobell as a deportee from Mexico was hearsay and therefore inadmissible.

That Sobell was obviously kidnapped with the knowledge of U.S. Government agents, and the court, therefore, had no jurisdiction over him.

That the sentence of death was unconstitutional in that it was unprecedented, far more severe than sentences dealt co-defendants and defendants in similar offenses, and is therefore "cruel and unusual punishment."

Bloch also objected to the form of the indictment—it was vague and the term "national defense" was not defined by law.

The three-judge Circuit Court of Appeals received Bloch's lengthy brief in late 1951, heard arguments in its courtrooms in New Haven during two days in January, and on February 25, 1952, it ruled Bloch down on all counts. One member of the court, Judge Jerome N. Frank, dissented from the majority view as it affected Sobell, however, and issued his own opinion that Sobell was entitled to a new trial. He held as judicial error Judge Kaufman's instructions to the jury to decide simply whether Sobell was a participant in the total conspiracy. Sobell's attorney's pre-sentence argument that there were actually two conspiracies, atomic and nonatomic, should have been a matter for the jury to decide, Judge Frank said. The remainder of Sobell's arguments were dismissed. As to the matter of Sobell's kidnapping and the question of whether, under those circumstances, the court had any right to try him, Sobell himself waived this question by failing to protest before the trial. Whether or not he was legally deported from Mexico was an issue his attorneys failed to disprove during the trial.

The entirety of the Rosenberg appeal was cut down with a somewhat similar legal logic, much of it a criticism of Bloch's trial tactics. The credibility of witnesses, the court ruled, can only be tested by a jury. The jury chose to believe Greenglass, for example, and his testimony therefore is ample evidence.

Bloch's complaints that Judge Kaufman had been prejudicial and hostile conflicted strongly, the court noted, with the gratuitous praise heaped on Kaufman by Bloch at the close of the

trial. And, the court said, it did not find any justification in the record for criticizing Kaufman. "We think the judge stayed well inside the discretion allowed him . . . the function of a federal trial judge is not that of an umpire or of a moderator at a town meeting. . . . He should not hesitate to ask questions for the purpose of developing the facts; and it is no ground of complaint that the facts so developed may hurt or help one side or the other."

And unlike *staté* court judges, the ruling noted, federal judges may comment outrightly on what they believed of the testimony, as long as they also warn the jury that its members are not bound by such comments.

The introduction of pro-Soviet sentiment and Communism were relevant, the opinion held, because it provided reasonable grounds to infer motive for the crime charged.

"Of course, such evidence can be highly inflammatory in a jury trial . . . whether and how much of this kind of evidence should come into a trial like this is a matter for carefully exercised judicial discretion. We think the trial judge here did not abuse that discretion," because he warned the jury repeatedly that it could not convict on the question of Communism alone.

"It may be that such warnings are no more than an empty ritual without any practical effect on the juror; if so, this is one of the risks run in a trial by jury; and the defendants made no effort to procure a trial by judge alone. . . ."

As to the Elitcher hearsay testimony, the defense did not object to the testimony nor did they move to strike it. And when a lawyer fails to protest hearsay testimony and loses his case, he may not protest afterward.

If the jury was intimidated by the air of national crisis and afraid to acquit the defendants, the trial judge could not be held responsible; for whatever emphasis he placed on the seriousness of the crime, he balanced with warnings for a dispassionate weighing of evidence.

The Greenglass sketches were admissible because they represented no more than Greenglass' recollections and were introduced on that basis.

The jury heard Bloch's demands to the judge that they review the cross-examination of Ruth Greenglass, but did not request it. The judge could not insist.

The testimony of Schneider the photographer was held admissible, since he was obviously not available earlier and the defense could not have been alerted to his appearance. But if Bloch had pleaded surprise and requested an adjournment, it would have been an error on the part of the judge not to grant it.

The issue of the death sentence the court returned almost untouched. It had no authority, without upsetting sixty years of precedent, to overrule a trial judge sentence if the sentence was provided by statute. It was not "cruel and unusual" punishment, the court held, in that it "shocked the conscience and sense of justice of the people of the United States."

However, the opinion also suggested that the defense might want to challenge the sentence as a violation of due process; that Judge Kaufman, for example, attributed to them other crimes of which they may not have been guilty, and which he considered in sentencing them to death. The court did not specify, but obviously it alluded to Kaufman's opinion that the Rosenbergs, by their treachery, had made the Korean war possible. But such a challenge would have to be taken before the U.S. Supreme Court, or in an appeal to the trial judge for a reduction of sentence. There were no other avenues, the opinion said, except Presidential clemency.

2.

ON March 11, barely two weeks after the Court of Appeals had turned him down, Bloch submitted a petition for a rehearing, attacking principally the court's insistence that the indictment was sufficiently specific to enable the accused to prepare his defense, and that the term "national defense" was self-defining.

Bloch argued that the court was "taking shelter" in precedents which did not apply. Without definition by statute, the

terms "national defense" and "secrecy" could be so arbitrarily broadened as to amount to a defiance of the free speech amendment to the Constitution, he charged.

Bloch also attacked the opinion that Judge Kaufman stayed within the discretion allowed him. He cited numerous prior federal court rulings where the absolute impartiality of the judge was held essential. Otherwise, he argued, the judge himself destroys the defendant's presumption of innocence. .

He showered Kaufman with praise at the trial's end, he admitted, because he recognized "the danger of engendering conflict . . . to destroy . . . the inalienable right of the accused at any point in the course of the trial."

The Rosenbergs' partiality toward Soviet Russia could have been only an academic one, he said, and the government failed to prove that it wasn't. He cited a U.S. Supreme Court ruling that "beliefs are personal and not a matter of mere association, and that men adhering to a political party or other organization . . . do not subscribe unqualifiedly to all of its platforms or asserted principles."

Bloch argued that he had not appealed for a reduction of sentence, and that the court spurned him here without meeting the body of his contention which was that the sentence was imposed for political reasons and was therefore unconstitutional under the Eighth Amendment.

One new argument raised was that the government's repeated use of the words "treason" and "traitors" hopelessly confused the issue. The Rosenbergs were accused of a conspiracy to commit espionage, but were actually tried for treason, a crime that is specifically spelled out in the Constitution as an act of making war against the United States, or of giving aid and comfort to its declared enemies. No person may be convicted of treason, the Constitution says, except "on the testimony of two witnesses to the same overt act, or on confession in open court." If the court believed that the Rosenbergs' crime was equal to treason, then it was un-Constitutional to permit them to be tried under any other charge. They were subjected to a treason trial, but denied such safeguards as the two-witness requirement.

The Court of Appeals took a month to deny the petition for a rehearing as founded on doubtful assumptions of law, but suggested that the U.S. Supreme Court might wish to review the case.

Bloch's two unsuccessful encounters with the Circuit Court of Appeals provided the basis for all further sorties into the District Court and the U.S. Supreme Court, just as the Circuit Court set the pattern for Bloch's hand-wrought chain of failures. The original appeal rulings were sustained throughout until a crass stranger from the lotusland forums of Los Angeles' haven of crackpots, Pershing Square, found a way through the armor of legal obstinacy with an impassioned pamphlet entitled "Freedom's Electrocution." It almost saved the Rosenbergs' lives.

Certainly a less devoted lawyer than Bloch would have given up; Bloch, however, had some encouragement. He occasionally won a moral victory, if never a legal one, and now and then a dissenting judge would agree with him. In one of his petitions to the U.S. Circuit Court, Bloch charged that the mid-trial publicity concerning the indictment and arrest of Columbia University instructor William Perl on perjury charges for denying he knew the Rosenbergs was deliberately timed by Saypol and Judge Kaufman to prejudice the jury.

The court agreed in an opinion handed down December 31, 1952, and termed the incident "wholly reprehensible." But it also said that because Bloch had failed to protest or to move for a new trial, "[which] should have been granted," it could not now take the position that the incident "vitiates the jury's verdict when there is no allegation or evidence that any juror read the newspaper story and defendants deliberately elected not to ask for a mistrial. . . ."

Bloch and the other defense counsel had not protested because they were assured by both Kaufman and Saypol, in a conference in the absence of the jury, that Perl's arrest was not calculated, but coincidental to "the regular course of the administration of justice. . . ."

The U.S. Supreme Court issued the first of six refusals to

review the case on October 13, 1952. The vote was unanimous and the reason, generally, was that Bloch failed to raise questions of law that had not been previously decided by the high court. Bloch petitioned a month later for a rehearing and was denied again. Judge Kaufman, in the meantime, set a new execution date: January 12, 1953.

A month after his second failure in the U.S. Supreme Court, Bloch went back to the district court in New York with a petition to vacate the verdict on grounds that the testimony of both David Greenglass and Schneider the photographer was perjurious. The petition went before District Judge Sylvester Ryan and was denied. An accompanying plea for a stay of execution was also denied. "No substantial questions of law have been raised," said Judge Ryan.

Two weeks later, Julius' mother and his two sisters, Mrs. Lena Cohen and Mrs. David Goldberg, went before Judge Kaufman in his chambers and begged him to reduce the sentence.

"Look at me, look at my eyes," Sophie Rosenberg said, her voice breaking. "I want to see your face. My two children are innocent, they are pure like the snow. If you give it to them, then you must give it to me, too, for I do not wish to live."

The same day, Bloch went before Kaufman in open court and moved for a reduction of sentence on the same grounds argued before the circuit court—that the death penalty was excessive, politically motivated and based on erroneous assumptions. Kaufman denied the motion after three days of deliberation, but he granted a stay of execution—then only 10 days off—to allow the Rosenbergs time to petition the President for clemency.

Judge Ryan's denial on the motion to vacate judgment had been appealed to the circuit court, meanwhile, and the circuit court upheld Judge Ryan.

On January 10, 1953, a petition for clemency went to President Truman. It was a lengthy document, written by Ethel in the first person with Bloch's help, and it ended up afterward as a 24-page pamphlet distributed by the International Association

of Democratic Lawyers of Brussels, Belgium. The petition marshaled virtually every argument previously raised by Bloch in the courts, but it was supercharged with the profound sincerity attainable only by someone who is fighting for her life:

We submit, Mr. President, that life, even in jail, was denied to us in the belief, as the judge himself declared: "... if the Rosenbergs were ever to attain their freedom, they would continue their deep-seated devotion and allegiance to Soviet Russia. . . ."

There is no such crime in our constitutional scheme of things as a crime of the mind and heart alone. Punishment may serve only as a deterrent to the recurrence of criminal acts. When the coercive cruelty of punishment is used, literally, to kill ideas, whatever they may be, Government becomes the instrument of tyranny. . . .

When we were arrested as spies for the Soviet Union, labeled as Communists, charged in the main with the theft of atomic bomb information from the Los Alamos project, the mere accusation was enough to arouse deep passions, violent antipathies and fears. . . .

To let us live will serve all and the common good. If we are innocent, as we proclaim, we shall have the opportunity to vindicate ourselves. If we have erred, as others say, then it is in the interests of the United States not to depart from its heritage of open-heartedness and its ideals of equality before the law by stooping to a vengeful and savage deed. . . .

President Truman, who had only ten days remaining of his term of office, left the petition for his successor who rejected it flatly on February 11. He had given the record of the case "earnest consideration," he said, but "the nature of their crime . . . involves the deliberate betrayal of the entire nation . . . [and] the cause of freedom for which free men are fighting and dying at this very hour.

"We are a nation under law and our affairs are governed by the just exercise of these laws. The courts have provided every opportunity for the submission of evidence bearing on this

case. In the time-honored tradition of American justice, a freely selected jury of their fellow citizens considered the evidence . . . and rendered its judgment. All rights of appeal were exercised and the conviction . . . was upheld after four judicial reviews, including that of the highest court in the land.

"I am satisfied that the two individuals have been accorded their full measure of justice."

There had been no new evidence nor mitigating circumstances, the President concluded, "and I am determined that it is my duty, in the interest of the people of the United States, not to set aside the verdict of their representatives."

The President's decision appears to have met with popular approval. The *Milwaukee Journal*, long an opponent of the death penalty, even surrendered its stand to the rationale that "if capital punishment can be justified at all, it can surely be justified in dealing with proven traitors at this critical time."

And with that, Judge Kaufman set another execution date: the week of March 9, 1953.

Bloch went back to the U.S. Circuit Court of Appeals and found some new faces there: the famed Judge Learned Hand had emerged from semi-retirement to replace Chief Judge Thomas Swan, and Judge Augustus Hand had replaced Judge H. B. Chase. Bloch reargued his contention of judicial prejudice and the court unanimously granted a new stay of execution, admitted the existence of "possible prejudice" and referred the matter to the U.S. Supreme Court.

"There is substance to this argument of the defense," said the venerable Judge Learned Hand, "and for my part I believe the Supreme Court should hear it." He had no patience with the Government Attorneys' protests that the case had dragged through the courts long enough, and pointed out that the duty of the prosecution was "to seek justice and not act as a time-keeper." People don't dispose of lives, he said, "just because an attorney didn't make a point."

The petition was filed with the Supreme Court on March 30, but the Court did not act until May 25. It refused to review the case, with Justices William Douglas and Hugo L. Black dissent-

ing. The petition raised important issues that merited review, they said.

At the same time, the Court also refused to consider an *amicus curiae* brief filed by the National Lawyers Guild, an organization then designated by the Attorney General as subversive. The Court's action vacated the stay of execution and Judge Kaufman set a new date: the week of June 15. U.S. Marshal William Carroll said the Rosenbergs would be executed June 18 at 11 P.M.

Bloch went back into Judge Kaufman's court with a motion to vacate the sentence, arguing that the indictment did not specify that the Rosenbergs had "transmitted" secret information during wartime and that the maximum statutory penalty, therefore, was only 20 years' imprisonment. Judge Kaufman rejected the appeal. The conspiracy had been a continuing one and it had occurred during wartime.

On June 1, Bloch was back in New Haven before the circuit court seeking, on the same grounds, a writ of mandamus to compel Kaufman to resentence the Rosenbergs. The court denied the writ the next day, and refused as well to grant a stay of execution to give Bloch time to appeal Kaufman's decision.

The defense's discovery of the missing console table and the theft of the Greenglass memoranda from the files of O. John Rogge, now being widely publicized by the Rosenberg committee, stirred the professional concern of Malcolm Sharp, professor of law at the University of Chicago, who volunteered his services to Bloch. Sharp said that if this were, in fact, the real console table, then the Greenglass' testimony concerning one equipped for microfilming was false and, as the Court of Appeals had noted when it first upheld the verdict, "if that [Greenglass] testimony were disregarded, the conviction could not stand."

Sharp hurried to New York and on June 6 went with Bloch before Judge Kaufman to plead for a new trial on the basis of this newly discovered evidence. Judge Kaufman denied the motion summarily. Bloch and Sharp then appealed to the circuit court and were refused. This was in turn appealed to the U.S. Supreme Court.

On June 13, with only five days of life remaining for Julius and Ethel, pamphleteer Irwin Edelman and his two lawyers, Fyke Farmer and Dan G. Marshall, whose interest had been solicited entirely by the maverick tract of Edelman's, appeared unwanted in Judge Kaufman's court with a motion arguing that the Rosenbergs had been unlawfully sentenced under the Espionage Act of 1917. The penalty provisions of this act had been superseded by the Atomic Energy Act of 1946, they claimed, and the court had no lawful power to impose the death penalty without the specific recommendation of a jury.

Marshall and Farmer appeared as "next friends" of the Rosenbergs, and without the consent of Bloch who actually protested their intervention. Judge Kaufman threw out their petition, called them "intruders and interlopers" and said their action "verged on contemptuousness."

On June 15, the Supreme Court refused for the fifth time to review the case, with only Justice Black dissenting. But Marshall, Farmer and Edelman went to Washington, determined that the Supreme Court would be more tolerant than Judge Kaufman.

3.

THE deluge of important opinion on behalf of the Rosenbergs apparently was let loose early in 1953 by Dr. Harold C. Urey, the Nobel Prize nuclear chemist, the discoverer of heavy water, whose leadership of the Columbia University research team had developed the gaseous diffusion processing of uranium 235, an indispensable contribution to atomic bombs. He first revealed his feeling about the case on January 8, 1953, in a lengthy letter to *The New York Times* in which he said the testimony of Elitcher and the Greenglasses simply did not hold water, and that even if it did, there was no justice in the unequal sentences dispensed for the same crime. And, if death sentences were going to be issued for espionage, the evidence should rest

on something better than the testimony of accomplices who stand to profit by their testimony.

"We are engaged in a cold war with the tyrannical government of the U.S.S.R.," Dr. Urey concluded. "We wish to win the loyalty and approval of the good people of the world. Would it not be embarrassing if, after the execution of the Rosenbergs, it could be shown that the United States had executed two innocent people and let a guilty one (Ruth Greenglass) go completely free? And, remember, somewhere there is a representative of the U.S.S.R. who knows what the facts are."

This prompted Albert Einstein, on January 13, to write a letter to President Truman urging clemency. His reasons, he said, were the same as those set forth "by my distinguished colleague, Harold C. Urey."

These two opinions were distributed around the world by both the Rosenberg committee and the normal news channels, giving tremendous credence to the committee's efforts.

Considerable indignation was aroused over the fact that Ruth Greenglass, although clearly a member of the conspiracy, was not prosecuted. (One compelling reason for her immunity was that the only witness against her was her husband who could not, by law, be forced to testify. The other reason was doubtless that Greenglass agreed to be a government witness if his wife would be spared.)

Pleas for clemency began to come from Europe soon afterward. The Rabbinate of France, "profoundly moved by the death sentence . . . but wishing to avoid any exploitation of this plea for political purposes," urged a commutation of sentence "in the very name of our common ideal of justice and generosity which we derive from the Bible."

Twenty rabbis in Israel signed an appeal for clemency "in the name of God and the quality of mercy. . . ."

Rabbi Meyer Scharff of New York permitted himself to be quoted by the Rosenberg committee, in urging a full review of the case by the Supreme Court, "as it is inconceivable to me that a death sentence should be so lightly given. . . ."

Dr. Bernard M. Loomer, dean of the University of Chicago

Divinity School, submitted a petition signed by 2,300 clergymen representing 26 Protestant denominations, "an important segment of the Christian clergy of this country . . ." asking President Eisenhower to reconsider his denial of clemency. Dr. Loomer also spoke at Rosenberg committee rallies.

A petition signed by 1,500 other clergymen also appealed to the President for mercy, "in the spirit of love which casts out fear . . ."

Clearly a majority of the appeals, both in the United States and abroad, sprang from the belief that justice had been compromised in the interests of punishing two unrepentant Communists, rather than to deal by law with two persons convicted of a specific crime. The U.S. State Department sought to correct this impression in Europe by distributing fact sheets through its consulates and embassies and information centers, but with little effect.

Even the American Civil Liberties Union, which had vigorously opposed Smith Act prosecutions, issued a statement as early as December of 1952 declaring that its national board of directors had agreed there were no civil liberties issues in the Rosenberg case. The death sentence, it said, was not so disproportionate to the severity of the crime to amount to a violation of due process. There was no evidence, either, said the ACLU, that the sentence was motivated by religious or political considerations. The statement also said Judge Kaufman had a "reasonable basis" for considering present world conditions in evaluating the seriousness of the effects of the crime. Whether or not the world would consider the execution "barbaric" was a matter of international policy, but not civil liberties. However, one ACLU chapter, in New Haven, Connecticut, did send a letter to the President advocating clemency.

The picketing of the White House, begun in late December, had continued for only twenty-one days. It was resumed in February for four days with as many as 2,000 persons parading back and forth. Events staged by the Rosenberg committee, however, continued to increase in both size and number. On March 18, nearly 1,100 people turned out for a \$25-a-plate din-

ner at New York's Capitol Hotel. The guest speaker, a liberal member of the British Parliament, failed to arrive because the State Department canceled his entry visa. A week later, more than 2,000 persons attended a fund-raising rally at Carnegie Hall, but the largest rally of all was held at Randall's Island Stadium on April 26. More than 10,000 persons were there.

The committee itself had reached a kind of organizational zenith in some forty cities, with full-time paid staffs and rented offices in five of them. Hired organizers occasionally were used to ring doorbells in the interminable drive for signatures on petitions and to stimulate the flood of protest letters to the White House.

Apart from direct appeals for donations, the committee also offered for sale the Rosenbergs' *Death House Letters* and a book of amateur poetry (some of the poems by Ethel). In addition, a transcript of the trial, done up in an eight-volume pocketbook set and printed by offset went on sale for \$10 each. More than 10,000 of them were reported sold.

Appeals of another sort to spare the lives of Julius and Ethel were directed at the White House. In Britain, *The Manchester Guardian* editorialized that President Eisenhower should grant clemency if for no other reason than to deprive the Communist cause of made-to-order martyrs.

As the June 18 date with death approached, the tempo of world-wide intervention increased. French President Vincent Auriol sent his protest through diplomatic channels, the Federal Council of Italian Evangelical Churches sent a cable, as did Maurice Cardinal Feltin, Catholic Archbishop of Paris. Vatican Radio said most Italian Catholics prayed for a reprieve.

On June 14, the first of a series of special "Clemency Trains" left New York for Washington, and at one time two days later there were an estimated 12,000 pickets marching seven abreast around the White House.

During the last few weeks of the struggle, the Rosenberg committee built a "clemency float" covered with signs and banners declaring the innocence of the Rosenbergs, the brutality of the death sentence, the unspeakable horror of the frame-up,

and had it towed through the streets of New York City day and night. This fevered crusade had little outward effect on the majority of Americans who, despite this relentless undermining of faith in the fairness of American courts, were unable to accept the premise it implied—that the agencies of the United States Government, from the FBI to the office of the President, were corruptible.

At the same time, reports emanating from Sing Sing's death row indicated that the Rosenbergs, whatever their guilt or innocence, possessed remarkable endurance of spirit. Few people knew that, at times, Julius and Ethel came near collapse as they were rescued, time and again, from dying. Only months later did Sophie Rosenberg tell of one of her final visits with her son. He had just had two teeth extracted, and he was groggy from novocain and shock. Moreover, he had a head cold.

"Mama, I don't feel good," he cried, tears draining down his cheeks. "Oh Mama, where is my wife? Where are my children? I'm sick. If only I were home you and Ethel would take care of me." Abruptly, she said, he caught himself, and told her how glad he was to see her and how much better he felt when she was there.

The children saw their parents for the last time on June 16. Julius and Ethel both realized it might be the last visit, but there was still hope. Their failure to completely conceal their feelings from the boys was revealed by Michael, who began screaming and had to be forcibly removed by Bloch when the visit ended.

Bloch had drafted a new clemency petition to be submitted to the President and had brought it along for the signatures of Julius and Ethel. Instead, Ethel handed him a letter she had written to President Eisenhower. Warden Denno censored it hurriedly and Bloch was permitted to take it with him back to Washington. For all the pretense and agonizing the letter contained, it was also a piteous plea for mercy. She recognized in the President, she said, the qualities of an affectionate grandfather, a sensitive artist and a devoutly religious man.

"I ask this man, whose name is one with glory, what glory

there is that is greater than 'an offering to God of a simple act of compassion!'"

In his reply to this letter the next day, his final refusal of clemency, President Eisenhower sought reason for compassion but could find none.

The execution of two human beings is a grave matter. But even graver is the thought of the millions of dead whose deaths may be directly attributable to what these spies have done.

Julius, meanwhile, disclosed to Bloch that he had been visited by Federal Prisons Director James V. Bennett, who told him the Justice Department would recommend a commutation of the death sentence if Julius and his wife would make a full confession.

"Human dignity is not for sale," Julius declared.

4.

BLOCH was not grateful for the intervention of Edelman and his two lawyers, because he regarded their point of law as frivolous and he did not want to jeopardize what little chance remained to save his clients by antagonizing the Supreme Court. Assembled with him now in his Statler Hotel room in Washington were Professor Sharp, seventy-year-old John Finerty who had helped defend Sacco and Vanzetti, and a young woman associate from Bloch's own office, Gloria Agrin.

There were, as of Monday, June 15, 1953, only three possible moves to stay the executioner's switch: a stay pending filing of further appeals from the circuit court, a writ of habeas corpus on any ground that the Rosenbergs were being unlawfully detained, and clemency from the President. One by one they failed. The petition for a review, referred for decision to the full court by Justice Robert Jackson who had listened to oral arguments from Bloch, Finerty and Sharp in his chambers, was denied by only a 5 to 4 vote, with Justices Douglas, Frankfurter,

Black and Jackson dissenting. Immediately afterward, the Supreme Court adjourned for the summer. Finerty and Sharp petitioned to Justice Douglas for a stay to allow filing of a new appeal. Douglas refused and was about to leave Washington for a motor trip through the western U.S. when Marshall and Farmer descended on him with their proposition that the Rosenbergs had been sentenced under the wrong law. Douglas took their brief and the immense record of the case, and retired to his chambers where he studied the matter until 2 A.M., the morning of June 17. Shortly after 11 A.M., Supreme Court Clerk Harold Wiley announced to Bloch, now somewhat friendly to Marshall and Farmer, that Justice Douglas had granted a stay of execution and that he had departed immediately afterward on his delayed vacation.

In a somewhat lengthy opinion, Douglas said he had granted the stay because Marshall and Farmer had raised an important point of law that had never been raised in the case before "and the Rosenbergs should have an opportunity to litigate it."

He not only granted the stay, but directed the Federal District Court to rule on the matter. The point, specifically, raised by Farmer and Marshall, was that the Atomic Energy Act of 1946 provides that the death penalty may be given in cases of atomic espionage only where the espionage was committed "with intent to injure the United States," and only if the jury recommended it. Judge Kaufman, they said, had no lawful power to impose death on the Rosenbergs. The original indictment did not specify intent to harm the United States, and the jury had been instructed it could make no punishment recommendations.

The position of the Justice Department, with whose representatives Douglas had conferred before issuing his opinion, held that the Atomic Energy Act did not apply because it was enacted after the commission of the capital crimes of the Rosenbergs in 1944 and 1945. But Douglas pointed out that the conspiracy charged against the Rosenbergs had continued after the enactment of the Atomic Energy Act and that this, conceivably, made them subject to its penalty provisions. And when a court

has a choice of two punishments, under separate statutes, it must impose the less harsh punishment.

Douglas said he did not necessarily hold this view, "but the question is a substantial one which should be decided only after full argument and deliberation." American courts must be "emphatically sure" they act within the law when they "snuff out two lives," he said.

Bloch and his colleagues were near delirious with joy, and they headed back to the Statler Hotel to celebrate. Bloch even praised Farmer publicly. The room was choked with well-wishers and newspaper reporters, and Bloch was in the process of ordering drinks for everybody when the phone rang. It was a United Press reporter who told Bloch that Attorney General Herbert Brownell had petitioned Chief Justice Fred Vinson to convene the Court in special term to vacate Douglas' stay. The report could not be confirmed immediately, but it filled Bloch with apprehension. And at 6 P.M., Vinson announced that he had granted Brownell's petition and that the Court would convene at noon the next day. Douglas had by this time driven as far as Uniontown, Pennsylvania, where he left his car and returned by plane to Washington.

It was only the third time in history that the Supreme Court had met in special term, and the first time it had ever so convened to overthrow the ruling of one of its Justices.

The White House picket line, which had been abandoned shortly after Douglas granted the stay, was back in force early the next morning, June 18. It was the day the Rosenbergs had been scheduled to die. But the Douglas stay was still in effect and Sing Sing Warden Denno announced that "there will be no execution today."

In his petition to the court, Brownell argued that "none of the acts alleged and proved in this case could have violated the Atomic Energy Act since the transactions relating to atomic energy occurred before the passage of that act in 1946, and the subsequent events did not relate to atomic energy."

Comparing the two arguments, most disinterested onlookers were inclined to feel that Douglas and Brownell were both

right, and that if the Court unraveled the dispute it would have resolved a unique legal enigma. There was, however, some informed legal opinion expressed that the Supreme Court had no authority to vacate a stay issued by a member and that, if it did, the action would amount to no more than a rebuke to Douglas.

Crowds jammed the corridors before the courtroom doors were opened shortly before noon. The court was filled in an instant, leaving hundreds more persons lined up hopefully outside, and an even greater crowd milled about the Supreme Court building's plaza.

Inside the courtroom, the judges sat in what *The New York Times* termed, rather picturesquely, as a "tense and snappish mood." Finerty, displaying a legal irritation that stemmed from the days, forty years before, when he had aided Tom Mooney, shocked the court with a blistering attack on Irving Saypol, Judge Kaufman, the Justice Department, Attorney General Brownell and, indirectly, on Chief Justice Vinson.

Brownell's action in seeking this special term, Finerty cried, looking sharply at Vinson, was an insult to the integrity of Justice Douglas and even the Court itself. The Justice Department, in convicting the Rosenbergs, had perpetrated a knowing fraud, and as far as Saypol was concerned, "There never was a more crooked district attorney in New York. . . ."

Justice Tom Clark stopped Finerty finally, suggesting that he would be more helpful if he argued the case rather than indulge in vituperative comments on justice. Thus rebuked, Finerty retorted, "If you lift the stay, then . . . God save the United States and this honorable Court."

Marshall stated the point at issue calmly, but his restraint faded as he probed into the dilemma of contradictory laws. A sharp-featured man with heavy-rimmed glasses and short gray hair, Marshall soon grabbed the counsel stand with both hands and began rocking back and forth like a revivalist. He could not develop the issue fully, he said, without more study. "I doubt whether even a justice of the peace would call the meanest pimp before the bar on such short notice." This turn of

mind alarmed the placid Farmer, who leaped to his feet even before Marshall had finished.

"I'm not maintaining we're not ready," he shouted. "I'm anxious to get up before the bar and argue." But when he did, he proved to be the most composed of all.

Questioned by Justice Jackson as to whom he represented, Marshall replied that he spoke for Edelman but that his plane fare from Los Angeles had been paid by friends, "nine good Unitarians who asked me to come here and see what I could do for the Rosenbergs." Justice Jackson asked if Edelman was the same person who had appeared before the Court a year earlier on a vagrancy case.

"It was a free speech case," Marshall shouted, jabbing his finger toward Justice Jackson, "it is improper to call it vagrancy. I think it is shocking in a capital case where human lives are at stake."

Chief Justice Vinson leaned forward, gesturing for calm with his hand. "Don't let your temperature rise," he said to Marshall. Such a heated exchange between counsel and the bench was a rare thing in these austere surroundings.

Justice Jackson needled Bloch for his belated acceptance of the Farmer-Marshall point of law. Bloch confessed he had not been impressed with it originally, but that "I now adopt it as my own." However, Jackson had nothing but high praise for Bloch otherwise. "I think you have done a fine professional job throughout," he said, noting Bloch's six previous appearances before the court. "These people are fortunate to have you for their counsel."

Moved, Bloch turned his gratitude into a defense of all lawyers who fight for unpopular causes. "I hope your comment will encourage more good lawyers to take clients whose causes do not meet popular approval."

For the rest, Bloch argued only that the Court should not dispose of Justice Douglas' stay, and should refer the point of law back to the district court and the circuit court. He himself was ill-prepared to argue it, he said, without at least a month's study,

and he doubted whether the Government Attorneys were any better prepared.

The Court had listened and questioned for three full hours, and during that time the spectators had maintained an attention and silence that was remarkable for its duration. Shortly after 3 P.M., the Court retired to its conference room and from the coolish manner in which they regarded each other as they filed out, it was apparent to many that the arguments among them would be bitter. It was another three hours before there was any clear indication as to what was happening behind the inviolable conference room doors, and then Court Clerk Wiley announced only that the Court would adjourn until noon the following day. In any case, the Rosenbergs would not die tonight.

The streets of Washington near the Capitol and the White House were still jammed with people that night, and members of the Rosenberg committee were still frantically pursuing Congressmen, virtually all of whom did their best to avoid even talking about the case. The lone exception was Representative W. W. Wheeler, a Democrat, of Georgia, who was trying to rally support for his resolution introduced before the House that day calling for the impeachment of Justice Douglas for "high crimes and misdemeanors" in office. The House appointed a special five-man committee, chaired by Republican William McCulloch of Ohio, to study the matter.

The Court gave its adverse decision at noon the next day, Thursday, June 19, and their terse manner confirmed that the decision had not been reached amicably. The ruling concurred with the government's argument, that to prosecute the Rosenbergs under the 1946 law would amount to an ex post facto proceeding which was plainly unconstitutional. "A conspiracy was charged and proved to violate the Espionage Act in wartime. The Atomic Energy Act did not repeal or limit the provisions of the Espionage Act." Judge Kaufman had been fully vindicated by the U.S. Supreme Court.

Justices Jackson and Clark wrote concurring opinions, Jackson objecting to the "irregular manner" in which Farmer and

Marshall had entered the case, and Clark emphasizing that the Court had now considered the case of the Rosenbergs seven times. He, too, objected to Edelman, but admitted that where life is at stake, a decision "cannot turn on fine points of procedure."

Justices Douglas and Black dissented totally from the Court's decision, and Justice Frankfurter did not vote.

Douglas said that in his opinion "the cold truth is that the death sentence may not be imposed for what the Rosenbergs did unless the jury so recommends. . . .

"... it is law too elemental for citation of authority that where two penal statutes may apply—one carrying death and the other imprisonment—the Court has no choice but to impose the less harsh sentence.

"... Before the present argument, I knew only that the question was serious and substantial. Now I am sure of the answer, I know deep in my heart that I am right on the law. Knowing that, my duty is clear."

In his dissent, Justice Black complained that the point had not been argued fully, that neither he nor the government had had time to "investigate and decide the very serious question raised. . . ."

Nor was he sure, he said, that the Court had any authority to vacate the Douglas stay. "I have found no statute or rule of court which permits the full Court to set aside a mere temporary stay entered by a justice in obedience to his statutory obligations... so far as I can tell, the Court's action here is unprecedented."

Justice Black also said he believed that there were other serious questions involved. He had voted originally to review the Rosenberg case, "and it is not amiss to point out that this Court has never . . . affirmed the fairness of the trial. . . ."

Bloch and Finerty broke through the despair that settled on the defense forces by a whirlwind series of appeals for stays from Frankfurter, Black and even Burton who, earlier in the week, said he favored a review of the case, but they all refused.

Bloch next dispatched a telegram to President Eisenhower

pleading for an oral hearing on clemency, pointing out only that the Supreme Court had never reviewed the "propriety" of the Rosenberg sentence. He was still writing motions, in long-hand on a yellow legal pad of paper, handing them to Miss Agrin who gave them to Court Clerk Wiley for submission to various justices. It was all a furious futility. Then the President issued his last denial of clemency. Bloch, close to hysterics with grief and despair, tried to catch a plane for New York in the hope of reaching Sing Sing before the execution. The Justice Department had announced the execution would be moved up from 11 P.M. to 8 P.M. to avoid violating the Jewish Sabbath. But Sharp and Miss Agrin persuaded him to remain in Washington. He phoned the prison, however, and asked U.S. Marshal Carroll to deliver a message to Julius and Ethel. "Tell them," he said, "that I did the best I could for them. Tell them I respect and admire them. Tell them I love them. . . ."

Bloch returned to the White House and delivered Ethel's letter to the President to the guards at the gate. Then back at the Statler Hotel, he tried to phone the White House to determine whether the President had received the letter. He reached Assistant Press Secretary Murray Snyder who said, "It is not our business to ascertain—"

"For Christ's sake," Bloch exploded, "people are going to die! You can make it your businesss."

But by then it was almost 8 o'clock. Bloch asked the reporters to leave the room and he and Miss Agrin, and Sharp too, they said, acknowledged the hopelessness of everything with tears.

5.

THIRTY-TWO newspapermen sat coatless and perspiring in the prison's main waiting room. There was no air conditioning and the room was suffocatingly hot. Its drab tan walls were bare save for a clock eight minutes fast and several signs reading

NO
SMOKING
EATING
WRITING
READING

Unlike state executions, which are often conducted before a sizable audience, federal executions are allowed only five witnesses, including members of the press. Two of the witnesses would be U.S. Marshal William Carroll, who was technically in charge, and his deputy, Thomas Farley. The remaining three seats, the reporters decided, would be occupied by representatives of the three major news wire services: Bob Considine of International News Service and the Hearst Newspapers, Relmin Morin of Associated Press, and Jack Woliston of United Press. Their colleagues watched them go with a mixture of envy and relief. A reporter for the *Daily Worker* who sought admission to the press assembly was turned away. "I'm sorry," the chief prison clerk told him, "but we're just too crowded."

Marshal Carroll had the authority to stop the executions if either Rosenberg or his wife decided at the last minute to confess. And in the warden's office, two agents of the Justice Department waited, keeping a phone line open to Washington. (An eternal link, said French author François Mauriac, between the White House and the death house.) It was only after the execution that Marshal Carroll revealed his distaste for the whole proceeding. An appointee under the Truman administration, Carroll was asked five days after the execution to resign. He angrily refused. "I didn't think they [the Republicans] would let me finish a nasty job for them and then try to fire me. . . ."

At precisely 8 P.M. by the hands of the big illuminated clock on the Consolidated Edison building across Union Square, the loudspeaker in 17th Street erupted with the agonized voice of a woman. "In memory of the Rosenbergs," she wailed, and began to sing, "Go Down, Moses." The crowd burst into fresh sobs, a few trying to sing along with her. Deputy Chief Police

Inspector Patrick Kirley scrambled up on the speaker's platform and shut off the loudspeaker. The crowd kept on singing anyway and the cops moved in closer. It was all somewhat premature, for the Rosenbergs were still alive. Julius had barely started on his long shuffle down the death house corridor to the electric chair.

New York was the first state to use the electric chair for legal execution, the legislature having authorized it in 1888 in a measure that survived subsequent attack in the courts that it was a "cruel and unusual punishment." There is considerable opinion, in fact, that of all the methods now in use in America to rid society of its capital criminals—the gas chamber, the scaffold, the firing squad—the electric chair may be the most humane in that the victim loses consciousness, if not life, more or less instantly and without great pain or suffering. However, there is a certain conjecture here for it lacks firsthand testimony. — Most electrocutions are effected by a charge of about 2,000 volts, a single-phase, 60-cycle alternating current, delivered at from 4 to 8 amperes. The victim is seated in a sturdy chair constructed of wood or some material which is a poorer conductor of electricity than he is. The current enters the body through a metal electrode lined with wet sponge and placed on the top of the head toward the rear, the hair having been shaved from this area to provide a good contact. The current leaves the body through a similar electrode strapped to the calf of the left leg. The victim is held in the chair by leather straps which bind his legs, groin, chest, arms and head. The face itself is covered with a leather hood.

The initial charge is usually a maximum one of some 2,000 volts at 8 amperes in the hope this will render the victim instantly unconscious. This charge continues for about 30 seconds, and the current is then reduced to 500 volts at 4 amperes to prevent the victim from being literally "cooked." Breathing usually ceases with the shock of the first charge, and the heart-beat soon afterward. The resistance of flesh to such a current generates great heat and the temperature of the body may rise to as high as 140 degrees. Although the victim is in most cases

dead within the first 30 seconds, the application of the current is continued for two minutes or more, at varying voltages, to permanently derange all vital bodily function and thus insure death. As a further precaution, an autopsy is performed immediately afterward. Throughout the execution, the body in the chair struggles convulsively against the straps. This is believed to be involuntary muscle spasm induced by the current, rather than any conscious effort by the person being killed. Smoke frequently rises from the head electrode, the flesh at this point being burned by the sudden electrical resistance to the charge. The odor emanating from an electric chair in use is not unlike that of roasting pork, perhaps because of the high fat content of the human flesh. An average of 100 criminals are thus disposed of in the United States every year.

For their last day on earth, the condemned are often treated to an ironic mixture of distrust and solicitude: their belongings are taken from them, especially belts, shoelaces and razor blades, or any other implement by which they might contrive to commit suicide; they are often otherwise indulged, being permitted to spend hours with a clergyman, if they wish, and to select almost any delicacy for their last meal. As the hour nears, they are given the most demeaning type of clothing to wear, the back of the head is shaved and the left trouser leg slit to the knee to facilitate attachment of the electrode. Julius and Ethel Rosenberg were subjected to all of this, but deprived the dubious pleasure of the famous last meal. Their execution was so hastily arranged the prison had no time to prepare special food.

Julius was the first to be taken, to spare him the sight of his wife being led to her death, for she would have had to pass his cell to reach the execution chamber.

Julius Rosenberg, thirty-five years old, a pale, skinny man, ashen and numb with terror, went to his death as though it were the only impossibility in his altogether possible life. He wore freshly laundered, wrinkled khaki pants, a flapping white T-shirt and buff-colored canvas slippers. Gone was his thin black arched mustache. His black hair, which tended to be

stringy when it was not carefully combed, had apparently been combed by someone who did not care. Despite the heat, he did not perspire. He shuffled along the concrete corridor immediately behind the prison's Jewish chaplain, garbed in the robes of his calling, who was reading aloud the 23rd Psalm—"The Lord is my shepherd, I shall not want . . ."

Rosenberg winced as he stepped into the glare of lights in the white-walled chamber but otherwise his face bore no expression at all. As he reached the oak and leather electric chair, he stopped and seemed about to fall. Two guards stepped from behind and he permitted himself to be seated. His arms, legs and chest were strapped securely, the electrodes put in place and the leather hood was dropped over his face. The two guards turned, striding from the room. The warden, standing at the far end facing the chair, raised his hand. The executioner peered out from his tiny alcove behind and to the right of Rosenberg and threw the switch. He closed it neither slow nor fast but with a practiced, methodical deliberateness. It was, after all, not his first execution. Joseph Francel, an electrician from Cairo, New York, has been executioner at Sing Sing for 14 years. He is a veteran of the first World War, during which he was severely gassed, and he is the father of two children. He is paid \$150 per execution, which makes his fee for the Rosenbergs \$300.

The first charge hit Rosenberg and set off within his body a series of contained convulsions, like a chain of minute explosions, which made the straps on the chair creak above the whine and crackle of the current. Smoke, yellow-gray in color, rose in wisps from the top of Rosenberg's head. After three seconds, the switch was opened and the man in the chair collapsed abruptly within his bonds. Then the switch was closed again and the crackle, the creaking, the whine and the smoke resumed for 57 seconds, followed by a third shock of almost equal duration. The prison physician, standing with his young assistant directly to one side of the chair, walked confidently to the body. He ripped up the T-shirt and applied a stethoscope. He nodded and said, as the law requires him to say, "I pronounce

this man dead." He let the stethoscope fall and stood erect, wiping the sweat from his upper lip with the back of his hand.

The guards who had strapped Rosenberg into his demise now unstrapped him. They lifted his body, roughly but not rudely, onto a gurney which had been pushed into the chamber by a third guard. As they wheeled the body out the far side of the chamber, a fourth guard carrying a mop and bucket squeezed past them. He hastily mopped up the puddle beneath the chair and wiped off the seat with a dark brown sponge. He worked precisely as though he had a fetish for fastidiousness. The intensity with which he was watched by his audience—the warden, the executioner, the marshals, the doctors and the three newspapermen—suggested he was the fill-in between two prime acts in a vaudeville show. His departing footsteps were followed by a heavy silence, relieved only by the soft, stealthy sounds of breathing and shifting in the front row of high-backed wooden benches where the three reporters sat nestled side-by-side. The room was cool but it seemed airless. The last rays of the setting sun across the Hudson River turned the skylight directly over the electric chair into a pale magenta canopy.

Ethel was ready when the matrons and the chaplain came for her. She nodded solemnly and stepped from her cell, as the two matrons flanked her and together they followed the chaplain through the steel doorway and into the main wing of the death house. As they passed Julius' cell, she glanced at it and knew that he was dead.

"We are," she said, in a kind of declaration, "the first victims of American Fascism."

The chaplain had begun to recite the words of the 15th Psalm and his voice rumbled down the corridor and into the execution chamber, and those who waited heard him and knew that Ethel Rosenberg was coming.

"Lord, who shall abide in Thy tabernacle, who shall dwell in Thy Holy hill . . . not he that back-biteth with his tongue, nor doeth evil to his neighbor . . ."

Ethel Greenglass Rosenberg, thirty-seven years old, a dumpy, tiny woman with heavy hands and thick ankles, wore dignity

like a cloak around her cheap green flowered print dress of cotton which was no more than a sack. Her feet, like Julius', were flappily encased in canvas slippers. She walked with her hands clasped in front of her, her head erect and her face frozen in a serene smile, her thin mouth gently puckered like a fish. Immediately behind her came two apprehensive matrons, their gaze uncomfortably attached to the enigmatic figure they escorted.

Inside the chamber the group stopped. Mrs. Rosenberg turned to the two matrons, shook hands with one and brushingly kissed her on the cheek, then shook hands quickly with the other. Both fled from the chamber, dabbing at their eyes. Mrs. Rosenberg walked unaided to the chair and lowered herself into it as though she were taking a seat on a bus. The chaplain, meanwhile, had moved on to the 31st Psalm. "... In Thee, O Lord, do I put my trust; let me never be ashamed ..."

As the guards bent to strap her in, Mrs. Rosenberg shifted her body to accommodate them. She never looked at the guards, but kept her face turned outward, over the heads of the reporters who later admitted they were stunned by her beatific composure. Only when the electrode was affixed to her head did she wince. The leather hood obliterated her serenity, the guards departed, and Mrs. Rosenberg and the cherry-colored chair crackled, creaked and smoked. After three successive shocks, the doctor performed his ritual with the stethoscope and reported in a hollow voice that Mrs. Rosenberg was still alive. The executioner came out of his alcove a step or two, staring in a puzzled way at his victim; he seemed about to scratch his head in bewilderment but instead he walked over to the doctor. "Want another?" he asked. The doctor nodded and the executioner returned to his burrowlike recess in the long white wall. He applied the current twice more before enabling the doctor to say, with unconcealed relief, "I pronounce this woman dead."

The fact that it required only two minutes and 45 seconds to dispose of Rosenberg while his wife resisted death for four minutes and 30 seconds provoked a number of cynical press room observations about the comparative hardiness of the female. Un-

seemly as such comment may have been, it was quite true and it was no great surprise that Julius declined the opportunity to save his own life and that of his wife, even if he had nothing to confess. The fabric of innocence into which he and Ethel had woven themselves was spun in Ethel's mind. Julius had only to live up to the image she articulated to unite them. There was some speculation that if Julius had been executed last instead of first, he might have broken; he might subdue his conscience, but he could not cope with the thought of his wife's derision. That he died with her approval must have mitigated his terror; the marshal failed even to catch his eye. But when it came to Ethel's turn, the marshal was not ignored; he received her scorn, unformed perhaps, but unmistakable.

When it was all over, the three sweating reporters went back to their sweating colleagues and told them every last detail. When they were done, the gentlemen of the press ran from the building to a bank of telephones installed on a wooden fence in the parking lot for this very purpose. With the danger of an assault on the prison now reduced to the dreary reality of no more than a hot June night, the off-duty guards went home and so did the sixty state troopers. The people of Ossining watched them go and were glad. Late commuters riding the New York Central Hudson River line looked out at the prison and wondered what it was like to die in the electric chair.

As the death watch ended in New York's 17th Street, the participants drifted off across Union Square and up Fifth Avenue, under the gentle pressure of police. There were no disturbances and nobody was arrested. The White House pickets and their allies in Lafayette Park abandoned the cause, too, the pickets' banners and placards piled high on the sidewalk for removal by a trash truck. It was the same everywhere, this quiet, forlorn dispersal of the faithful in a dozen or more cities. But it was too soon for one man to resign himself. Irving Edelman, the crusading pamphleteer, the man who had done more than anybody to save the Rosenbergs, roamed the streets of Los Angeles with a pent-up fury.

At last he reached Pershing Square, his customary dueling

ground, where he mounted a concrete balustrade and began bellowing at the flowing crowds below. "If you are happy about the Rosenbergs," he shrieked, "then you are rotten to the core." The words were no sooner out of his mouth than the crowd stopped moving and began to assemble in front of him. Edelman stepped off the balustrade and backed away, perceiving no one was interested in hearing him further. The density and size of the crowd grew and Edelman looked in vain for a receptive face. Then he turned and ran. A shout went up from the crowd and they moved after him. Edelman bolted across Sixth Street, dodging traffic, and took refuge in the coffee shop of the Biltmore Hotel where he was rescued by police.

Informed by phone that the Rosenbergs were dead, Judge Kaufman left his chambers, flanked by two FBI agents, and was taken uptown to his apartment at 93rd and Park Avenue where a detail of twelve policemen had been assigned to guard him day and night.

In Nashville, the Ku Klux Klan burned a fiery cross on Lawyer Marshall's front lawn.

As Julius and Ethel were dying, a crowd formed in Sheriff Street, the squalid tenement block just north of the Williamsburg Bridge. The eyes of this crowd, perhaps fifty in number, bore into the drawn shades of the lower floor of the building at Number 64, an ugly dirty brick warren which, for as long as anybody could remember, had housed the family of Ethel Greenglass Rosenberg. Behind the yellowed blinds sat Mrs. Tessie Greenglass, Ethel's mother, a now feeble and inadequate old woman around whom the world had progressively collapsed. Like millions of immigrants before her who had come to these shores for affluence and happiness to find only the grinding oppression of absolute poverty in Manhattan's slums, she had never understood America, and could never understand now why the Land of Plenty had destroyed the last vestige of promise, however fanciful, that a parent nurtures for a child. She wailed a Hebrew prayer while a young doctor fed her barbiturates to suspend the grief. But the people in the street understood; some of them, anyway.

"I've known the Rosenbergs couple all their lives," said a man in a burst of bitterness, "and they're just no good. They broke their mothers' hearts and they ruined the lives of their children. They're just no good."

The crowd at the Washington Heights apartment of Sophie Rosenberg consisted largely of reporters whose efforts to see Julius' seventy-one-year-old mother were testily thwarted by several young women members of the Rosenberg committee. Reporters had been gathering outside the apartment building since early evening, but when Mrs. Rosenberg arrived shortly after 7 o'clock, she was hurriedly ushered through them by her escort directly to her apartment on the second floor. Newsmen followed and clustered about the apartment door. They could hear a radio blaring inside but they were informed by an unidentified young woman who came out to shoo them away that Mrs. Rosenberg did not yet know that her son was being executed. "We will tell her when we feel it is proper to do so," she said. At 10 P.M., a doctor arrived but would neither comment nor identify himself, and soon afterward, the reporters went away.

In Times Square, a thin crowd stood along the sidewalks and idly watched the lighted news reports around The New York Times building flashing the word that the Rosenbergs were dead. There were no demonstrations and very little comment. Police had expected trouble, and sent over a special detail of 50 patrolmen, 10 mounted police and 25 detectives, with 50 more patrolmen in reserve at the station houses on West 47th and West 30th streets. But nobody seemed to care about the Rosenbergs. "It's too hot," explained a sweating policeman.

The Rosenbergs were taken the next morning to a Brooklyn mortuary, dressed in skull caps and prayer shawls and placed in caskets. Two days later the funeral was held. Julius' mother, brother and sisters were there, but the Greenglass family did not attend. A crowd estimated at 3,000 jammed the street in front of the mortuary which was itself unbearably overcrowded. Joseph Brainin, chairman of the Rosenberg committee, presided over a service full of strident eulogy that had more to do

with politics than with a religious memorial for the dead. Emanuel Bloch, who had already branded the behavior of the President, the Supreme Court and the Justice Department as "more barbaric than the Nazis," raged anew at the funeral. "I place the murder of the Rosenbergs at the door of President Eisenhower, Attorney General Brownell and J. Edgar Hoover."

The caravan which afterward took the bodies and the mourners to the burial service at Wellwood Cemetery on Long Island consisted of three chartered buses and three hundred automobiles. Police who shepherded this massive cortege estimated it contained about 1,000 persons.

Yet there were other, more dispassionate, voices of regret. In Tokyo, the conservative newspaper *Asahi* wrung its editorial hands and lamented "the disappointing narrowness of American humanity. . . ." The blast of Hiroshima was still ringing in its ears.

But there was far more to it than the sensational obstinacy of the law tormenting a man and his wife. The international furor, whether a creation of the Communists or a genuine response to the U.S. mood of "iconoclastic rage," as André Maurois described it, gave the case a universal meaning. The problems embodied in the Rosenbergs' last hours of life, said Paris' *La Monde*, are "a symbol of the essential values which are the last justification of western civilization; man may have to soon choose between the martyr and the executioner."

There was no doubt the Communist movement strove desperately to make martyrs of the Rosenbergs, but it was a wild and short-lived effort. The Party, which had isolated itself from the Rosenberg case throughout, claimed its martyrs three days after the funeral in a statement issued over the signature of Party Chairman William Z. Foster.

Ethel and Julius Rosenberg were brutally murdered in an act of fascist violence by a ruling class that is desperate, in the face of the rising forces of peace and democracy.

The murderers of the Rosenbergs hoped they could intimidate the fight for peace and democracy by hurling into its face the murdered bodies of Ethel and Julius Rosenberg.

It was a lengthy statement, full of the redundant fury that stirs the ranks but repels the outsider.

There was a scattering of remorseful comment in the so-called liberal press: *Nation* agonized briefly that "the Rosenberg execution was a sickening and disheartening failure of American conscience, fair play, moral leadership and justice"; *Christian Century*, its editorial anguish under better control, felt that attributing the execution to the Rosenbergs' failure to inform on others "does not exalt the majesty of U.S. law"; *Commonweal*, a Catholic organ, took up the case for the French opposition to the execution, that the Rosenbergs had been "expiatory victims of the public's impatience to rid itself of Communist fears."

But the prevailing attitude in America, and one expressed by the majority of the press, was that of remote righteousness. It was typified perhaps by the Philadelphia *Tribune*:

... Americans have a right and a duty to criticize their government. They even have the privilege of changing it under the Constitution. However, Americans who betray their country . . . must expect the consequences of their acts. The Rosenberg case is ended. They have gone to meet their Maker. May their souls rest in peace.

Despite the shame in which the Rosenbergs were regarded by the Jewish community, a number of rabbis took the occasion of the execution to comment from the pulpit. Most voiced the deep regret that the Rosenbergs had brought an onus of betrayal on the Jew, and could find solace only in the hope that the Rosenberg children, somehow, would become good Americans. One rabbi, however, more sensitive perhaps to the Rosenbergs as fellow human beings as well as Jews, grieved aloud. He was Ira Eisenstein of the Society for the Advancement of Judaism in New York, and he told his flock:

"Human beings are fallible and we failed the opportunity to demonstrate by clemency our inner confidence, our generosity of spirit, and our adherence to great religious principles."

Epilogue

THE Rosenberg case settled steadily, as far as the vast American public was concerned, into a trough of ennui, revealing that those who had made it an international *cause célèbre* had been few in number, however articulate and well-financed. Bloch toured the country making speeches to raise a trust fund for the children, and succeeded in collecting slightly less than the \$50,000 which was the goal. The American Legion, which later heaped lavish honors for Americanism on Judge Kaufman, formally demanded that the American Bar Association disbar Bloch for his intemperate anti-American outbursts, particularly for saying, "I am ashamed to be an American." Disciplinary proceedings aimed at this were, in fact, instituted, but before Bloch could be brought to account, on January 29, 1954, he collapsed of a heart attack and died alone in his Greenwich Village apartment. His body was found the next morning by his associate, Gloria Agrin. He was fifty-two years old.

The Rosenberg committee made four separate moves in the Federal District and Circuit courts to vacate the judgment and to obtain a new trial for Sobell on the primary grounds that a) the court had no jurisdiction over him because he had been unlawfully brought before it, and b) that even if guilty, Sobell was a part of a conspiracy separate from that of the Rosenbergs

and should be tried by himself. These failing, the committee and Mrs. Sobell campaigned vigorously to have Sobell transferred from the inaccessible fastness of Alcatraz Island to a federal prison on the East Coast where he would be near his family and his lawyers. Sobell remained on Alcatraz, however, for seven years and in 1958 was moved to Atlanta Penitentiary. During his stay on the Rock, Sobell claimed, he was visited periodically by FBI agents who besought him to confess. The FBI declined to comment on this allegation which, implying the FBI was confident he had something to confess, mitigated more to their favor than to his. In the summer of 1962, Sobell made his first application for parole—after 11 years in prison—and was denied. His wife and stepdaughter and mother have petitioned endlessly and fruitlessly on his behalf, appearing as solitary pickets in front of the White House and once button-holing Attorney General Robert Kennedy on the streets of New York.

The remains of the Rosenberg committee are still in existence, now named the Committee to Secure Justice for Morton Sobell. They are listed in the Manhattan telephone directory and maintain an office, on lower Broadway, complete with a mimeograph machine used primarily to produce letters addressed to city editors and columnists.

David Greenglass was housed in Lewisburg Federal Penitentiary, where he was interviewed by, and gave depositions to, members of the late Senator McCarthy's committee during its 1954 probe of espionage at Fort Monmouth, New Jersey, testifying that Julius Rosenberg had been the mastermind of a Soviet spy ring there. Greenglass was denied parole on his first application in 1956, but was finally paroled in November of 1960 after serving almost nine years of his fifteen-year sentence.

The Rosenberg children remained in the Tom's River, New Jersey, home of the Bernard Bachs until shortly before Bloch's death when the Tom's River school superintendent informed the Bachs, along with the parents of ten other children enrolled there, that the school could no longer admit out-of-district pupils. Bloch denounced the move as a plot by the FBI

to pass the punishments of, the parents onto the children. A kibbutz in Israel had volunteered to take the boys, to rear them as good Jews, and within the next few weeks some 2,000 families, in Europe and the United States, offered to adopt them. Meanwhile Bloch, who had been appointed their guardian by Julius and Ethel, placed the boys in a new foster home in Manhattan because of the notoriety he and the committee had stirred up over the boys' removal from Tom's River. The New York City Welfare Department charged subsequently that the children were being exploited by the committee and sought to have them made wards of the court. It was a struggle that bobbed in and out of the courts, and in and out of the headlines, for months, with both Michael and Robert acutely aware of both the nature and the object of it all. At last, they were placed in a new foster home in another community, their names changed and a psychiatrist called in to advise on a program aimed at ameliorating the damage that had been done to them. Theirs, of course, was the unassessable tragedy.

Judge Kaufman, who made his last ruling in the case in 1956 when he denied a new trial motion on behalf of Sobell, continued to serve on the Federal District Bench until 1961 when President Kennedy appointed him to the U.S. Circuit Court of Appeals.

Prosecutor Saypol, secure in the laurels his management of the Rosenberg case had won him, resigned as U.S. Attorney in 1952 and successfully campaigned for election to a 14-year term on the New York State Supreme Court bench.

Dr. Urey and Professor Sharp were caught in the momentum of their own earnest convictions and continued to contribute both their energies and the more substantial weight of their reputations and their intellects to the cause for as long as two years after the execution. By this time, the committee began having troubles of its own, with the Treasury Department filing a lien against it for \$124,000 in unpaid taxes (the committee failed to qualify for a tax exemption); and the House Un-American Activities Committee issuing subpoenas in wholesale lots to its more active members. This inquiry generated

a whole new field of vagrant and acrimonious controversy, and one significant fact: the Rosenberg committee had raised and spent more than \$1,000,000 in its 18-month circus campaign.

In Europe, the cause bobbled along for almost a year, to the mild detriment of the reputation of the United States, and then foundered in a sea of more urgent concerns. Perhaps the last expression of European ire was the staging in Budapest of a three-act play, *Loyalty*, based on the Rosenberg drama; and the inclusion on East German calendars of the Rosenberg execution date as one of five Commemorative Days to be publicly observed. The other four were Stalin's birth date, the anniversary of the destruction of Dresden by Allied bombers in World War II, Red Army Day and World Peace Day. The calendar has since been modified and the Rosenbergs are no longer on it.

The only question remaining is whether or not Americans have gotten far enough away from the case to decide whether justice was done and whether the national conscience is therefore clear, and whether American legal systems merit the confidence we are obliged to place in them.

In the four years immediately following the execution, a total of ten books were written about it; nine of them belabored the theory of frame-up and the tenth attacked the other nine, all of which is an index of the intensity of feeling then about Julius and Ethel and the United States Government. J. Edgar Hoover wrote several magazine articles, disposing of the lingering misgivings with authoritative finality, to his own satisfaction at least. In 1957, *Look* Magazine undertook, with the highly touted cooperation of the Justice Department, to allay all remaining doubt and uncertainty. The article was charged with impressive implications but the only fact it contained hitherto unreported in the daily press was that Joel Barr and Alfred Saurent, two names which flickered insignificantly through the Rosenberg trial testimony, were two members of Julius' spy ring who had fled behind the Iron Curtain.

The nearest thing to a dispassionate study was that which

appeared in the February, 1954, issue of the *Columbia Law Review*, a publication the officials of Columbia University hastened to make clear was written and edited by law students. Whoever bore the responsibility, the 40-page study was a commendable examination of the crux of the controversy: whether the law is immune to the fickle and quixotic influences generated by a national "atmosphere of clashing ideologies and fearful expectations." The study was not a brief for the Rosenbergs, and in fact set the question of their guilt aside, but an academic inquiry into whether the Rosenbergs received the equality of treatment to which they were entitled under the law. Marshaling an imposing body of precedents and statutes, the *Review* examined these six crucial questions and concluded:

1. That evidence of Communist Party affiliation was prejudicial to the defendants, but that the Government could not have established a motive without it.

2. That the court's definition of conspiracy was far too broad, that Sobell conceivably was a party to a separate conspiracy and that his case was prejudiced by being tried with the Rosenbergs.

3. That for all the hazards implicit in accepting the uncorroborated testimony of an accomplice, Judge Kaufman's ample warnings to the jury to consider the accomplice's self-interest protected the rights of the Rosenbergs.

4. That the imposition of the death penalty was not unconstitutional, in that it did not shock the sense of justice of the American people, the traditional test for a cruel and unusual punishment; in fact, it was apparent that the general public approved a sentence of death for those whose treachery might have contributed to the cold war.

5. That Justice Douglas had statutory power to grant the stay of execution but that the Supreme Court, in vacating the stay, may have acted on a premise of inherent power it did not possess. It had the clear authority to challenge a justice's discretion in granting a stay, but it did not set aside the stay on this ground; it ruled instead that the issue on which the stay had been granted, the implied repeal of the Espionage Act

death penalty provisions by the Atomic Energy Act, was not substantial.

6. That the issue of implied repeal was substantial if for no reason other than its substantiality had never been decided, by precedent or by statute, and that the few hours the court gave to this question were obviously insufficient to reach the decision it did.

"The inevitable conclusion is that in this last stage of an extraordinarily protracted litigation, the rights of the Rosenbergs did not receive the precise and extensive consideration that must characterize the administration of the criminal law. Whether the Rosenbergs were in fact guilty is beside the point."

This, of course, was the sole area in which the Rosenberg controversy should have been resolved—the courts; not by preachment and pamphlet in the streets where the Rosenberg committee chose to take it. If this vociferous tent-meeting strategy had achieved its goal—to intimidate the federal judiciary—Americans would have far greater cause for alarm than that reputedly engendered by the unfounded suspicion that this same judiciary had partaken of a collusion to carry out a policy directive to preserve national security. Nothing would undermine the national welfare more critically than a judicial system responsive to a mob, for it is a lamentable fact of American life that a mob can be rallied for virtually any purpose, good or bad; and the Rosenberg committee, for all the distressed and high-principled people it enlisted, was by aim and strategy a mob. It sought to destroy the most vulnerable element of American justice—the integrity of those whom the American people have chosen to administer the law they have, by consent, enacted.

This brassy crusade worked harder to smear the American judicial process than it did trying to save the Rosenbergs. Whatever he thought privately, Judge Kaufman was a meticulous man with the rules of trial procedure and nobody has been able to find any palpable errors in the discretion he exercised during the trial. The Justice Department, on the other hand, merited criticism but the Justice Department was only one litigant in

the case and to attack it with such vehemence was dangerously irrelevant and served only to further discredit the committee. Firing invectives at J. Edgar Hoover, for example, could hardly have influenced the courts which, apart from the President, were the only recourse the Rosenbergs had. It merely served to establish as the character of the cause a brutish contempt for American justice.

The law and its interpretation by the courts may trail social reality by a score of years or more, and it may become a temporary bastion of reaction, but it is the only durable fiber of national sanity and welfare in a time of fear and uncertainty. To vilify it is recklessness almost to the point of madness. The courts do not always dispense either justice or equity; some of them are even corrupt or ignorant; but justice as we want it is attainable nowhere else, and the solution to these profound crises of our society lies in insisting that the courts be honest and that its judges strive for wisdom.

As to the guilt of the Rosenbergs, there is no reasonable doubt now surviving. Unfortunately, the doubts disappeared only in the years after their trial, a less than ideal way to vindicate a jury. The officials of the Justice Department, of course, never had any doubt at any time, but for reasons which need not be altogether a matter for speculation, failed to make clear in court the basis for their certainty. Prosecutor Saypol calculated correctly the credibility tolerance of the jury and obtained a conviction by a vast amount of pre-trial publicity and courtroom innuendo and oratory, in addition to the self-serving testimony of the Rosenbergs' accomplices. Judge Kaufman was acutely aware of all this and painstakingly told the jury to disregard it. He had no way to compel them to disregard it, and it is doubtful if any human mind could have separated the evidence from the non-evidence without a transcript of the trial, pencil and paper and several days in which to study the matter.

As the circuit court itself suggested, in its original review of the trial, Bloch probably would have fared much better before a judge alone, a proceeding he could have at least attempted to bring about. It was doubtless one of his more

grievous errors, but Bloch appeared to be so deeply convinced of his clients' innocence that he found it inconceivable American society could condemn them as it did.

A trial before a judge would have compelled the Justice Department to produce far more evidence than it did, and infinitely more than it wanted to, for the less it disclosed about the FBI's anti-espionage techniques and the progress it had been making, the more progress it would continue to make. It was reluctant even to give the court enough information to intelligently sentence Harry Gold on his utterly abject plea of guilty.

It failed, too, to assess the crime of the Rosenbergs with any reality. Judge Kaufman blamed them for the Korean war, and President Eisenhower held them responsible for the slaughter in any possible future nuclear war with the Soviet Union. These extreme accusations were never authenticated and, while there is no law requiring it, they should have been. After a decade, they tend to sound ridiculous, palatable as they may have appeared to the popular mind at the time they were uttered. The information which Greenglass said he transmitted at the direction of Julius was already known to Klaus Fuchs, for example, who said he conveyed it to Russian couriers along with vastly more valuable data. And Greenglass' contribution, in any case, was of debatable accuracy. This, of course, does not make the Greenglass-Rosenberg offense any less grave; a man who fires a bullet into the heart of a corpse is no less a murderer if he believes the corpse is alive when he pulls the trigger. But Judge Kaufman should have demonstrated just how the Rosenbergs caused a war, for if he sentenced them to die for it, time has not substantiated his equation.

In its entirety, the trial testimony against the Rosenbergs contained no single incrimination which, by itself, was conclusive of guilt. The guilt of the Rosenbergs was revealed not so much by the orderly operations of the law, but by the behavior of the Rosenbergs themselves to whom the issue of guilt or innocence was one with which they never concerned themselves. It was a question which they were powerless to con-

template. Warped from birth by embittered parents and the savage, unrelieved deprivation of the slums, Julius and Ethel grew up not into any kind of maturity but into a complete estrangement which derived meaning from extreme radicalism. Communism consumed from them both what otherwise would have been expressed as an intense hatred for the society in which they lived; that they were dragged before the law of this society was neither more nor less than they expected. They stood not accused of a crime, but further persecuted by this society which to them had never been anything but corrupt. They had dreamed of reforming this society by revolution; they had committed no crime against it.

Apart from the indifferent testimony of the maid and the department store official, they produced not a single witness on their own behalf. And these two witnesses were Bloch's; he could obtain no other; Julius and Ethel refused to permit it. The post-trial evidence produced by the Rosenberg committee—the memos stolen from Greenglass' lawyer and the missing console table—was by nature and by timing calculated not to save the Rosenbergs, but to vilify American justice.

The prosecution's implication that the machine shop was only an espionage front, Julius and Ethel could have rebutted by producing the records of the shop; as it was, they failed even to establish that the shop turned out any products at all. They could have obtained the testimony of the employees, who knew whether it was truly a struggling business or merely a pose.

Nothing the Rosenbergs did or said suggests that the accusations of the federal government were untrue. Their behavior throughout suggests instead that they could not conceive of American society having any rights; they were, after all, engaged in a private war against it. Julius knew six months before he was arrested that the FBI was investigating him. Yet he continued to traffic with the very people who were later incriminated with him. He made ludicrously elaborate preparations for others to flee impending prosecution, but he lingered on, a foolishly furtive and suspicious figure. His entire conduct was

incredible for a spy; he not only discussed his endeavors with those who were not involved, he bragged like a schoolboy about them to such virtual strangers as the employees in the shop. One could wonder, with some foundation, if he had not made up the whole spy saga to impress his wife, his relatives and his friends. Apart from his link with spy courier Harry Gold, it would not be unreasonable to speculate that the espionage reports he himself received he dumped in the East River or buried in the sand at Coney Island. The point is that Julius' behavior was that of a man who had no comprehension of the world in which he lived.

In sentencing the Rosenbergs to death, Judge Kaufman made the course of their lives irreversible; he had given them a punishment consistent with their expectations of the society from which they were estranged. He also set off the compelling drama of an underprivileged man and his wife being meticulously, irrationally executed, and the Communist tacticians easily converted it into a melodrama of martyrdom, especially among Europeans who have even less understanding of American law than Americans do. At the same time, Judge Kaufman may have terrified some other amateur spies which, considering the state of the nation and the large number of spies, he had every legal and rational right to do. However, had he merely sentenced them to prison terms, it is doubtful that the Rosenberg case would ever have acquired such world-shaking dimensions.

As for the Rosenbergs themselves, the only self-importance they had ever achieved in life was as prophets of rabid radicalism. They were alienated from all reality. In the death house of Sing Sing, they succumbed to a fantasy of world recognition. They had no desire to prove themselves innocent of a crime; they sought only to save this immense illusion of self-respect which the power and majesty of the United States Government had unwittingly conferred on them by the act of prosecution. They could never have confessed to a crime, for that would have been to admit that everything they had ever done or thought had been wrong. A perverse glory beckoned to them and they pursued it, at the expense of their lives and the wel-

fare of their children whom they permitted to be cruelly exploited.

Julius and Ethel Rosenberg did not die for their beliefs or their principles; they had none. They died for what they imagined other people thought of them.

Sources and Acknowledgments

THE information in this book was obtained from the records and transcripts of the proceedings of the Rosenberg case in the U.S. District Court for the Southern District of New York, the U.S. Court of Appeals for the Second Circuit, and the United States Supreme Court; from contemporary accounts in newspapers and periodicals, particularly *The New York Times*, the New York *Journal-American*, the New York *Herald Tribune*, *Time*, *Life*, *Newsweek*, *Look* and the *Saturday Evening Post*; *Nation*, *Christian Century*, the *National Guardian*, the *Daily Worker*, *Commentary*, *U.S. News & World Report*, the *Bulletin of the Atomic Scientists*, *Commonweal*, and the voluminous reports on Communism and subversion prepared over the past 15 years by the House Un-American Activities Committee, the Senate Judiciary Committee and its Internal Security Subcommittee, the Senate Committee on Government Operations, the Senate Foreign Relations Subcommittee on Security Affairs, and the Joint Congressional Committee on Atomic Energy.

The number of persons who contributed personal knowledge of the Rosenberg case have been few. I relied, instead, on the record. In common with other writers who attempt to reconstruct an event as it happened, rather than as it exists in mem-

ory, I have discovered that human recollections, including my own, are subject to self-redeeming modification, especially in a controversial event such as this so charged with outrage, fear, bitterness and hatred.

However, there are five people whom I am pleased to thank by name: my publisher, John J. Geoghegan, for his incredible patience; Abe Mellinkoff, city editor of the *San Francisco Chronicle*, for giving me the time to write the book; Carol Sturm, for typing the manuscript; my agent, John Dodds, for countless kindnesses; and my friend William Kilpatrick, who fretted too.

I am also indebted to the authors of the following books:

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